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THE

# HISTORY

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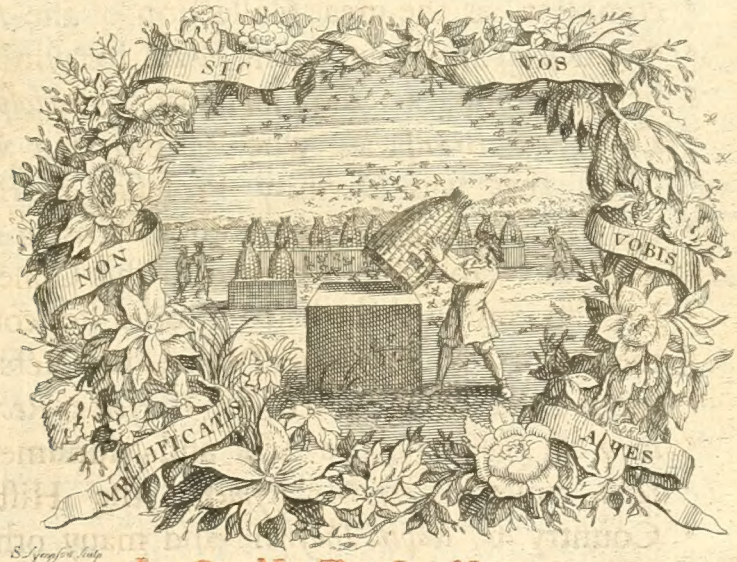
# COUNCIL of CONSTANCE.

By *JAMES LENFANT.*

Tranſlated from the New EDITION, Printed at *AMSTERDAM*, which the AUTHOR not only Revis'd and Corrected, but conſiderably Augmented.

Illuſtrated with ſeveral Curious COPPER PLATES.

VOL. II.




LONDON:

Printed for A. BETTESWORTH, C. RIVINGTON, J. BATLEY, T. COX, J. CLARKE, R. HETT, T. ASTLEY, S. AUSTEN, J. GRAY, and L. GILLIVER. M.DCC.XXX.

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THE

# HISTORY

OF THE

# COUNCIL of *CONSTANCE.*

## BOOK V.

### The CONTENTS.

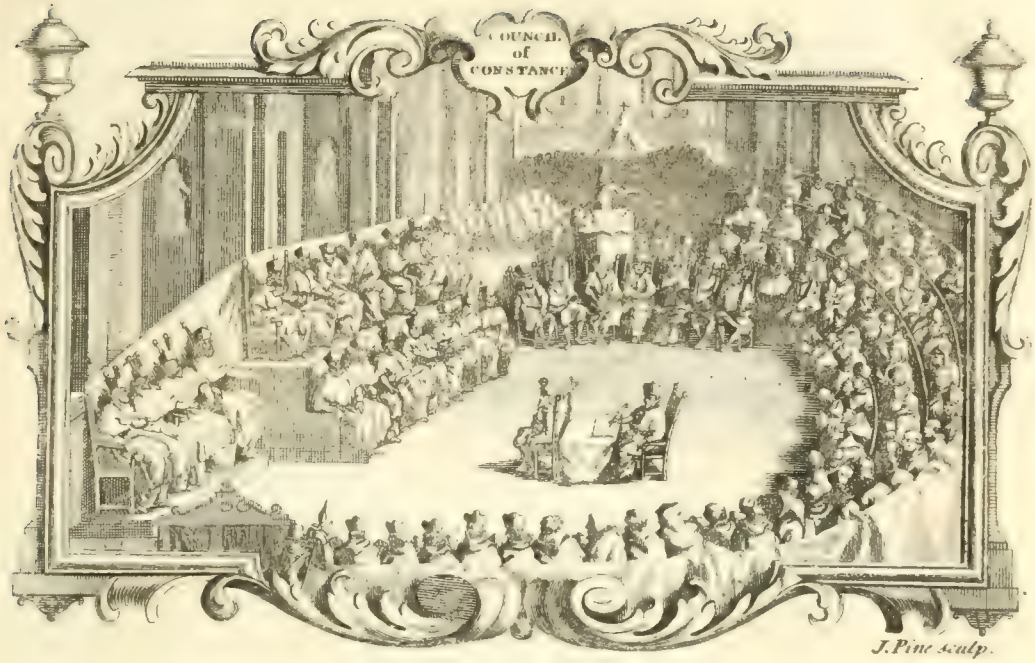
I. *Recapitulation of paſt Tranſactions in the Council.* II. *The Beginning of the Year* 1417 *with a general Congregation.* III. *Letter to the Council from* Lambert de Stoc. IV. *Sermon upon the Reformation of the Church.* V. *A Sermon by* Gerſon. VI. *The Emperor's Return to* Conſtance. VII. Sigiſmond's *Apology.* VIII. *A ſacred Comedy.* IX. Gerſon's *Sermons on the Affair of* John Petit *and the Reformation.* X. Gerſon's *Tract upon Eccleſiaſtical Power.* XI. *The* TWENTY SEVENTH SESSION. XII. *A Chapter of the* Benedictins. XIII. *The* TWENTY EIGHTH SESSION. XIV. *A Controverſy between the* French *and* Engliſh. XV. *A Letter from the Ambaſſadors of the Council in* Arragon. XVI. *The* TWENTY NINTH SESSION. XVII. *Arrival of the Deputies of the Council* from Arragon. XVIII. *The* THIRTIETH SESSION. XIX. *The Controverſy between the* French *and* Engliſh. XX. *The* THIRTY FIRST SESSION. XXI. *The Marriage of the King of* Poland. XXII. *The Affairs of* Bohemia. XXIII. Wenceſlaus *retires from* Prague, *and returns again.* XXIV. *The Sermon of a* Huſſite. XXV. *Some of the* Bohemian *Nobility embrace* Huſſitiſm. XXVI. *The* THIRTY SECOND SESSION. XXVII. *The Audience granted to the* Caſtillians. XXVIII. *The*



1965244

*Objections of the* Caſtillians. XXIX. *Several Affairs, Civil and Political, regulated by the Emperor.* XXX. *The Margrave of* Miſnia *retires in Diſguſt.* XXXI. Frederick Burgrave *of* Nuremberg *becomes Elector of* Brandenbourg. XXXII. *The Duke* de Lignitz *marries the Elector of* Brandenbourg's *Daughter.* XXXIII. *Short Hiſtory of the Elector of* Brandenbourg's *Life ſince his Acceſſion to the Electorate.* XXXIV. *An Aſſembly of the Commiſſioners for proceeding againſt* Benedict XIII. XXXV. *Another Aſſembly upon the ſame Affair.* XXXVI. *Continuation of the Proceedings againſt* Benedict. XXXVII. *A Sermon by a Doctor of* Prague *upon the Reformation of the Church, and the Election of a Pope.* XXXVIII. *The* THIRTY THIRD SESSION. XXXIX. *The Citation of* Benedict. XL. *An Aſſembly of Cardinals touching the Election of a Pope.* XLI. *A Sermon by the Cardinal of* Cambray *on the ſame Subject.* XLII. *The* THIRTY FOURTH SESSION. XLIII. *Controverſy about the Reformation of the Church, and the Election of a Pope.* XLIV. *The Emperor ſolicits the Reformation of the Church before the Election of a Pope.* XLV. *The* THIRTY FIFTH SESSION. XLVI. *The Count* d'Armagnac. XLVII. *A Sermon by a Doctor of* Prague *concerning the Reformation.* XLVIII. *The Election of a Pope is ſolicited before the Reformation.* XLIX. *Publick Devotions for obtaining a happy Election.* L. *The Sect of the* Flagellants. LI. *Their Doctrines.* LII. Vincent Ferrier *defends the* Flagellants. LIII. *He is ſolicited to come to the Council.* LIV. Gerſon's *Tract againſt the* Flagellants. LV. *The Council does not paſs Judgment on the* Flagellants. LVI. *The* THIRTY SIXTH SESSION. LVII. *The* THIRTY SEVENTH SESSION. LVIII. *The* THIRTY EIGHTH SESSION. LIX. *Negociations for the Reformation of the Church, and the Election of a Pope.* LX. *Sermon upon the Reformation.* LXI. *Another on the ſame Subject.* LXII. *A Sermon by the Biſhop of* Toulon. LXIII. *A Diſcourſe of the Cardinal of* Cambray *to haſten the Election of a Pope.* LXIV. *A Letter from the King of* England *to his Ambaſſadors at the Council.* LXV. *The Affairs of* Bohemia. LXVI. Gerſon's *Tract for the Communion in both Kinds.* LXVII. *The Emperor's Letter to* Bohemia. LXVIII. *Quarrel betwixt the Dukes of* Bavaria. LXIX. *A Place choſe for the Conclave.* LXX. *Conſultation of Divines upon that Affair.* LXXI. *Death of the Biſhop of* Salisbury; *and preſſing Inſtances made for the Election of a Pope.* LXXII. *The Emperor is angry with the Memorial of the Cardinals.* LXXIII. *The Cardinals inſiſt on the Election of a Pope.* LXXIV. *Memorial of the* Germans *to haſten the Reformation.* LXXV. *The* Germans *detach themſelves from the Emperor.* LXXVI. *A*

XLXVI. *A Sermon upon the Reformation.* LXXVII. *Death of the Cardinal of* Florence. LXXVIII. *The* THIRTY NINTH SESSION. LXXIX. *The Confeſſion of Faith made by* Boniface VIII. LXXX. *A Digreſſion upon the Confeſſion of Faith by the Popes.* LXXXI. Henry of Bavaria *attacks and wounds his Couſin* Lewis. LXXXII. *Diſputes about the Election of a Pope.* LXXXIII. *Arrival of the Biſhop of* Winchester. LXXXIV. *Whether the Cardinals ought to have a Hand in the Election of a Pope.* LXXXV. *The* FORTIETH SESSION. LXXXVI. *The Annates.* LXXXVII. *The Conclave.* LXXXVIII. *The* FORTY FIRST SESSION. LXXXIX. *The Electors enter the Conclave for the Choice of a Pope.* XC. *Diſputes in the Conclave.* XCI. Otho de Colonna *choſe Pope, and his Character.*




# The HISTORY of the COUNCIL of CONSTANCE.

## BOOK V.

I. THE Council of *Conſtance* has hitherto appear'd in ſeveral Shapes. *John* XXIII. preſided in it till his Eſcape, that is to ſay, for the Space of about five Months. He was no ſooner gone, but proper Regulations were made to eſtabliſh the Authority of Councils in general, and of this in particular above that of the Popes. Purſuant to theſe Rules, which were approv'd by the four Nations firſt, and afterwards by the *Spaniards* and by *Martin* V. himſelf, *John* XXIII. was depos'd as a Schiſmatick and an obſtinate Deſerter. This was ſoon follow'd by the Abdication of *Gregory* XII. After which, the See was deem'd vacant, notwithſtanding the Pretentions of *Benedict*, becauſe by his obſtinate Refuſal to reſign, the Decree of the Council of *Piſa* remain'd

1417.

Recapitulation of what has been hitherto tranſacted in the Council.

in

1417 in Force as to him. The Emperor, after having been a Witness of the Union of the two Obediences of *Gregory* XII. and *John* XXIII. went to *Spain*, in order to take Measures for the entire Suppression of the Schism. While he labour'd there for the Union of the Church, the Fathers of the Council, on their Part, did what they thought necessary for its Reformation. They burnt *John Hus* first, and then *Jerome* of *Prague*; they condemn'd the Communion in both Kinds; they cited the *Bohemians*; they discuss'd some very important Points of Faith and Morality, tho' without determining them; and the Deputies had frequent Assemblies to draw up the Canons of Reformation. These were very near all the Transactions of the three first Years. But this Year the Council appears with a new Face: 'Tis remarkable for several great Events, particularly the Return of the Emperor, the entire Reconciliation of all *Benedict*'s Obedience which was begun the Year before, the deposing of that Pope, and lastly, the Election of *Martin* V. which renders the Authority of the Council incontrovertible.

The Beginning of the Year 1417 a general Congregation.

II. THE Year began with a solemn Procession for the Emperor's happy Return. As he was expected every Day, great Part of the Month of *January* was taken up, as it were, in Preparations for his Reception. For, during this Month, we find neither in the Acts nor in the Historians more than one general Congregation. It was held upon the 4th of *January*, when they were acquainted of two Incidents that were very favourable to the Union. One was, that, at the Sollicitation of the King of *Arragon*, the King of *Castille* had renounc'd *Peter de Luna*, publish'd Writs of *Convocation* to the Council throughout his Kingdom, and sent a solemn Embassy to *Constance*. The other, that the same Thing was done in the Kingdom of *Scotland*. In this Congregation, Letters were read from the Duke of *Albany*, Viceroy of *Scotland*, for King *James*, who was at that Time a Prisoner, either in *England* or in *Scotland*, upon his Parole. This Viceroy promis'd to send Ambassadors to the Council, which, as yet, he only call'd a *Congregation*, with full Powers to transact every Thing that should be conducive to the Union (*a*).

*Jan.* 4.

(*a*) *V. d. Har.* T. IV. p. 1086.

Letter from *Lambert de Stock* to the Council.

III. HERE we may place a Letter from one of the Deputies of the *German* Nation in *Spain* to the Archbishop of *Riga* (1), in which there are some Particulars concerning *Peter de Luna*. 1. The anonymous Author of it tells how they went to *Peniscola* to wait on *Peter de Luna*, without any Guard, without that Pope's Safe-Conduct, and upon the King's bare Word, with three Apostolical Notaries, whom they took with them from *Constance*; a Notary of the King of *Arra-*

(1) He was a *German*, call'd *Lambertus de Stipite*, or *Lambert de Stock*, a *Benedictin*.

*gon*, two Gentlemen, Esquires, and other Persons of Honour, to be Witnesses. 1417.
'A certain Doctor, *says he*, nam'd *Simon de Sauveur*, 'met us on purpose to engage us to defer our Entry till next Day, 'because his Master was willing to receive us after a more honourable Manner, which we refus'd. Those Devils, *says he*, think to 'be great Gainers if they can put off the Affair of the Union but 'for one Hour. At our Entrance into the Town, we met with a 'Nephew of *Peter de Luna*, with a Guard of about two hundred 'Soldiers, very well arm'd. They receiv'd us, in all Appearance, 'with a very gay Countenance. What an Honour was it to us 'to see this *Peter de Luna* so alarm'd, as to make such an Armament 'for the sake of a Couple of naked Fryars (1), which he did, no 'doubt, to make a Display of his Power and Grandeur!' 2. He says, that next Day they had Audience of *Peter de Luna*, who had with him his three Cardinals, besides Bishops and others of the Clergy, and about three hundred Laymen. 'Then having made a 'profound Obeisance, without bending the Knee, after the man-'ner of Monks, I began to read loudly and distinctly the whole Act 'of the Citation, and I actually cited him Word for Word, as it is 'written in the Bull of the Council. The Man was impatient be-'yond Expression when I call'd him Schismatick and Heretick, saying 'one while, *This is not true*, and sometimes, *They lye*.' The Author of the Letter says, that the *English* Deputy (2) would fain have also read the Act of Citation, but that the Pope had enough of the former Reading, because it was of the same Tenor; and that afterwards the *Englishman* summon'd *Benedict* in *Latin*, as he had done, but that because there were many of the Laity present who did not understand *Latin*, he also cited him in the Language of the Country. 3. *Peter de Luna* answer'd, both in *French* and *Latin*, that the Matter being of great Importance, he was not yet capable of giving a final Answer, but would consider of it with his Cardinals. After this Declaration he said, that he had four Things to urge in his Justification; but he only produc'd three, because he was so much disturb'd in his Mind, that he left the fourth *in his Budget* (3). 'This Man is vile from 'Head to Foot *(totus malus est)*. He began his Speech with the Story 'of a certain Abbat, mention'd in the Lives of the Fathers, whom

(1) They were two *Benedictin* Fryars, as appears by these Words of this Letter: 'Pray attend a pleasant Story, how two 'black Monks, which is the Devil's Co-'lour, enter'd the Gates of Hell, and 'there summon'd Beelzebub, the great 'Devil, to come to Judgment. *Nova 'ipsa consideretis, quomodo duo Monachi 'nigri colore diaboli, introeunt in Infernum, 'Et ibidem citaverunt Beelzebub magnum Di-'abolum, ut veniat ad Judicium.*' Marten. Anecd. T. II. p. 1673.

(2) He was call'd *Bernard de la Planche*.

(3) Et non dixit nisi tria, quia adeo se commovit in loquendo quod quartum dimisit in Capsa (forsan Cappa.) *Mart. Anecd. ubi sup.* p. 1671.

'his

1417. ‘ his Diſciples could not put in a Paſſion but by calling him *Here-*
‘ *tick.* He apply'd this Story to himſelf.’ After this Exordium, his firſt Propoſition was, *That the Council of* Conſtance *was void.* The ſecond, *That he,* Benedict, *had not hinder'd the Union.* The third, *That he was neither a Schiſmatick nor a Heretick.* He pretended to prove the firſt Propoſition by this Argument, *viz.* That there were no true Prelates at *Conſtance*; *Either they are,* ſaid he, *of my Obedience,* or they *are of that of* Rome. *If they are of my Obedience, they are excommunicated according to the Maxims of* Conſtance: *And the ſame if they are of the Obedience of* Rome, *becauſe they were excommunicated by* Gregory. As to the ſecond Article, he gave a long Hiſtory of his Life, tracing his Character even before he had a Being: For he ſaid, that he was deſign'd for the Eccleſiaſtical Order before he was born. Then he proceeded in Praiſe of his Behaviour, declaring that he had been rais'd againſt his Will to the Papal Dignity; but that ſince his Advancement he had always labour'd for the Union, and that he was ſtill in the ſame Diſpoſition. In this Narrative he denied that he had ever approv'd of the Method of Reſignation before his Acceſſion to the Pontificate. He ſaid indeed, that he had ſworn it in the Conclave, but that he was not oblig'd to it till other Methods had been try'd; ſuch as a Courſe of Law, which he thought the beſt. Finally, he declar'd, that he would abſolutely abide by the Offers which he had made at *Perpignan*, and that upon this Footing he would ſend Legates to *Conſtance. I believe,* ſays the anonymous Writer, *that one of them will be the Biſhop of* Cuenca (1), *a Fryar Minor, who was not willing to go thither on the Part of the King of* Caſtille, *that he might be uſeful there, but is inclin'd to go thither to do Miſchief.* Peter de Luna *has no other Intention by ſending the Legates, than to break off the Affair of the Union, to divide the Council, or to ſpin out the Affair to ſuch a Length, that he may remain in Poſſeſſion.* As to the third Point, he affirm'd that he was not a Heretick, becauſe he was always ready to abide by the Deciſion of the Church; and that if he is not willing to reſign at *Conſtance*, as they would have him, it does not follow from thence that he is a Heretick, *becauſe the Church is not at* Conſtance, *but at* Peniſcola. *This,* ſaid he, ſtriking his Hand againſt the Chair he ſate in, *This is* Noah's *Ark* (2), *and the true Church. Thoſe at* Conſtance *ſay, that I am a Schiſmatick and a Heretick, becauſe I will not reſign the Church into their Hands; but there are two Words to that Bargain. We ſhould have had Peace ſix Months ago had it not been for them; conſequently they are*

(1) This Biſhop was very much in the Intereſts of *Benedict*; and it appears, by the Concluſion of this Letter, that he had been five Days with him at *Peniſcola.* There is a Caution in it not to truſt this Prelate, who was to go to *Conſtance* with another Biſhop on the Part of *Benedict.*

(2) Undoubtedly he meant the Ark of the Covenant: But the *Benedictins* did not let him eſcape with this Blunder. *'Tis true,* ſays one of them, *that there were Beaſts in* Noah's *Ark.*

*chargeable*

*chargeable with the Crimes of Schiſm and Hereſy.* 4. After this tedious nauſeous Diſcourſe, the Author ſays, that he demanded a Certificate of *Benedict*'s Anſwer, and eſpecially of his having ſaid that he would anſwer very ſoon, becauſe that was an uncertain Time. But he immediately reply'd, *I don't give you this for an Anſwer, I will conſider of it with my Cardinals, and will return you an Anſwer in a few Days; ſo that you ought to ſtay according to the Form of the Act of Citation.* Mean Time, he requir'd the Notaries not to ſeal up the Acts till he had given his Anſwer. 'When I inſiſted on demanding 'a Certificate of this uncertain Anſwer, becauſe we wanted to be 'gone, the Impoſtor preſs'd us to ſtay there with a View to bribe 'us, that we might ſay a great many good Things of him at '*Conſtance. But ungodly as you are, we will do nothing like it.* 'This Man is more obſtinate than ever, and has a Diſpoſition for 'nothing but Miſchief. In order to convince him of Obſtinacy, we 'ſent one of the King's Secretaries to him, becauſe 'tis the Cuſtom of 'the Country for the King's Secretaries, or Notaries, not to ſeal the 'Acts till three Days after they are drawn up. This done, we are 'return'd to *Tortoſa*, where the King is; and when we have waited 'three Days for the Notary, we are reſolv'd, by the Help of God, 'to return to *Conſtance.* Know, moſt Reverend Father, that hither-'to the Deputies of the Council are not all agreed. Therefore it 'was our Advice, with the King's Approbation, that all ſhould not 'go to *Peniſcola.* — In ſhort, let People ſay what they will, *Peter de* '*Luna* is in the Power of the King of *Arragon*, tho' he is in a good 'Fortreſs, and has armed Men; but they are all ſtark mad to 'think that they are ruin'd for him, and he won't have one left. 'Therefore no Time ought to be loſt in depoſing him, as he (*a*) has 'juſtly deſerv'd.' The Letter is dated *January* 22, from *Tortoſa*. 1417.

(*a*) *Marten. Anecd.* T. II. p. 1669, 1673.

IV. UPON the Day of Epiphany, a Sermon was preach'd concerning the Reformation. It was found in MS. without the Author's Name, in the Library of *Erfort*. The Preacher therein gives a frightful Character of the Clergy of that Time, whoſe Vices he ſums up under theſe general Heads. 1. In making the Revenues of the Church and Poor ſubſervient to their Vanity and Luxury. *We out-do the Princes of this World*, ſays he, *in Pride, in Defiance of the Precept and Example of Jeſus Chriſt; we are fond to make Kings, we march at the Head of Armies, and we render our ſelves formidable and inacceſſible, eſpecially to the Poor.* 2. In the ill Diſtribution of Benefices, by giving them to the Ignorant and the Vicious. 3. In the Male-Adminiſtration of the Sacraments, which they give, ſays he, to Perſons that are excommunicated, to Fornicators, and to Uſurers, that are notoriouſly ſuch. 4. In the Neglect of the Study of the Sacred Scriptures, and of the preaching of the Goſpel. This chiefly concern'd the Biſhops, who

Sermon upon the Reformation of the Church.

1417. kept Persons under them to preach. 5. In the Injustice of their Decrees, most of the Ecclesiastical Judges making an unworthy Traffick of Justice (1). This related to the Faults of the Clergy, with regard to the Functions of their Offices, and to the Administration of Things Spiritual. I will spare the Reader the horrid Description which is given of their Manners in particular (2). The Corruption sure must have been very horrible, when I am loth to expose in this History the Things which were declar'd, without Scruple, in full Council.

*Gerson*'s Sermons, T. II. p 350.

V. ON the 17th *Gerson* preach'd a Sermon upon these Words, *There was a Marriage in Cana of Galilee*; in which he took Occasion to speak of the two most important Affairs that were then upon the Carpet. The one was the Authority of the Council, and the Confirmation of the Fifth Session, in order for proceeding against *Benedict* as they had done against *John* XXIII. The other related to the nine Propositions of *John Petit*, the Condemnation of which had always been eluded by the Intrigues of the Duke of *Burgundy*. In this Discourse, *Gerson* made a Repetition of the Decrees of the Fifth Session *verbatim*, touching the Superiority of the Council over the Pope, and the Right which the Council had to correct, and even to depose the Pope, if he shew'd himself incorrigible. At the End of the Sermon he spoke indirectly, and in general Terms, but such as were very strong, of the Connivence and Collusion of the Council with the Duke of *Burgundy* concerning *John Petit*'s Propositions, 'The Fathers of the Council, *says he*, have Reason to fear being 'accused by the World, either of Ignorance, or of Negligence and 'Indolence, or of a very criminal Respect of Persons. My Zeal 'for the Honour of the Church and for the Truth made me resolve 'to satyrize and inveigh in this Sermon against those Heretick's and *V. d. Hardt* T. IV. p. 1081. 'their Abettors; but Moderation has restrain'd me, and engag'd me 'to put off the Affair to another Opportunity: Nay, I hope there 'will be no Necessity of doing it, and that the Council, which has 'made so good a Beginning, will not only condemn the general Proposition, as they have done, but all its Branches and Consequences.

As *Gerson* had not an Opportunity to say all that he had intended in this Sermon, he publish'd a Writing at the same Time upon that Text, wherein he said some Things that deserve mention in this Place. Alluding to his Text, he said, that the *good Wine* is the Gospel; and

(1) Qui dimittentes justitiam volunt replere bursam.

(2) Regnat avaritia, ambitio imperat, dominatur superbia, sedet iniquitas, luxuria principatur, etiam inter parietes apparet abominatio—nec ipsæ quid aliquos ignominiæ passiones, & turpitudinis opera desunt. *i. e. Avarice reigns, Ambition beareth Sway, Pride governs, Iniquity sitteth on high, Luxury triumphs Abomination appears even within these Walls,—nor are some Persons innocent of the most scandalous Passions and the basest Actions.*

tho' he does not deſpiſe the Decretals, nor the Conſtitutions of the Provincial Synods, yet he takes it very ill that they are preferr'd to the Word of God. *Among thoſe People who are called the Religious, by way of Eminence, you will ſee,* ſaid he, *the Tranſgreſſion of certain Conſtitutions, which are ſometimes very frivolous, puniſh'd with much more Severity than the Tranſgreſſion of the Law of God himſelf, as Murder and Perjury.* This is a very ſharp Invective againſt the Begging Fryars, who, with Tooth and Nail, defended *John Petit*'s Propoſitions. Afterwards, ſpeaking of the Pope, he ſays, *that he muſt be treated with the utmoſt Veneration, that his Faults ought to be conceal'd as much as poſſible, without Prejudice to the Welfare of the Church, and that he ought to be admoniſh'd with Reſpect; but that if he is incorrigible, and continues to be a Fornicator, an Adulterer, a Simoniacal Perſon, or Sacrilegious, the Church is oblig'd to give him a Bill of Divorce.* This Diſcourſe was a good Step towards the depoſing of *Benedict. Gerſon* ſpeaks alſo in the ſame Treatiſe of the Advantages and Inconveniencies of Poverty and Wealth in the Clergy; but, without deciding for or againſt either ſide of the Queſtion, he exhorts both the one and the other to behave well in whatſoever State they are. This Paſſage is very artfully calculated to prepare the Way for the Reformation of the Mendicant Fryars and the Benefic'd Clergy. 1417.

FINALLY, he concludes his Diſcourſe with very preſſing Reflections upon the Affair of *John Petit*, which he had more at Heart than all others. He ſaid for Inſtance, that if the Council continues to delay and diſſemble in this Affair, the Emperor and the King of *France*, who have ſo earneſtly demanded the Condemnation of *John Petit*'s Errors, will not fail to ſay that the Errors of *John Hus* and *Jerome* of *Prague* were condemn'd becauſe they were contrary to the Intereſts of the Clergy, but that the Errors of *John Petit* are ſpar'd becauſe they only affect Princes.

BESIDES this Treatiſe, which was only an Appendix to *Gerſon*'s Sermon, he exhibited another, wherein he gives a long Catalogue of the Errors, which, he ſays, had been advanc'd in the Council againſt the Command, *Thou ſhalt not kill*, and in other Matters. I ſhall not relate them all here, becauſe as many of them were only aim'd at the Defence and Support of *John Petit*'s abominable Principle, they are already ſufficiently known. Nevertheleſs, ſome there are which are ſtill more ſeditious, becauſe it muſt be own'd, that *John Petit* confin'd himſelf in the Application which he made of his Principle, to the Duke of *Orleans*; whereas moſt of the Maxims, which *Gerſon* finds Fault with here, had a much more extenſive Meaning, and pav'd the Way for all manner of Rebellions and Maſſacres. As it can't be ſufficiently admir'd how a Council aſſembled for reforming the Church could ſuffer them to be advanc'd with Impunity, 'tis proper to ſee what

1417. could be the Pretence for ſo pernicious a Licence. *Gerſon* tells us, 'That there were ſeveral Doctors who maintain'd that Morality did 'not appertain to Faith; that the Commiſſioners appointed for Mat-'ters of Faith could only condemn ſuch Errors as were formally con-'trary to the Articles of the Creed; and that a Hereſy could not 'be condemn'd without alſo citing and condemning thoſe who main-'tain'd it.' This was Chicanery of a twofold View, becauſe it tended at the ſame Time to elude the Commandments of the Decalogue, and the Condemnation of the Propoſitions of *John Petit*, who had been dead a long Time. 'That the Condemnation of a Hereſy does 'not appertain at all to the Biſhops, but only to the Apoſtolical 'See.' *Gerſon* has elſewhere ſtrenuouſly defended the Epiſcopal Prerogatives in this Matter. 'That no Propoſition ought to be con-'demn'd which is capable of a true Senſe by the help of Grammar and 'Logick.' There are few Errors which may not be ſalv'd according to this Maxim. 'That a Propoſition which has two Senſes, one true and 'the other falſe, ought not to be condemn'd, even tho' it were ſcandalous. 'That a Propoſition ought not to be condemn'd, when 'tis probable, and 'that it is a probable Propoſition, when there are Doctors who ſtand up 'for and againſt it.' That's a Propoſition of a very ancient Date for the Doctrine of Probability. At the ſame Time, 'tis neceſſary to report another of *Gerſon*'s Tracts upon the Errors of People with Regard to the Command, *Thou ſhalt not kill.* He gives a long Catalogue of (1) thoſe Errors, which he pretends have been advanc'd in the Council it ſelf. Some of theſe have been juſt now mention'd; ſo that we ſhall only take Notice of the Principal in this Tract. *Gerſon* quotes this Paſſage out of *Exodus* againſt *Petit* (*a*). *But if a Man come preſumptuouſly upon his Neighbour to ſlay him with Guile, thou ſhalt take him from mine Altar that he may dye.* But *Petit*'s Advocates pretended, *that it was Hereſy to quote the Political Precepts of the old Law, under the Goſpel.* I have heard it ſaid indeed, that as the Political Laws were accommodated to the Times, People were not oblig'd to conform to them at all Times and Places; but it cannot be ſaid without Abſurdity, and even without ſome ſort of Impiety, that 'tis Hereſy to quote them. The following Propoſition of *Wickliff* had been condemn'd in the Council. *Subjects may correct their Superiors at their Pleaſure; and the Temporal Lords may deprive the Clergy of their Eſtates when thoſe Clergy live in a Habit of Sin.* *Gerſon* had pretended, that

(*a*) *Exodus* xxi. 14.

(1) Enumerabimus nonnullos eorum ramos ab hac una mortis radice prodeuntes, jungendo quoſdam alios in gremio Conſtantienſis hujus Concilii poſitos, vel in propria forma, vel in audientium intelligentia vel in conſequentia neceſſaria. *i. e. We will enumerate ſome Branches of thoſe Errors ſprouting from this ſingle Root of Death, adding ſome others which have a place in the very Boſom of this Council of* Conſtance, *either in direct Terms, or in the Underſtanding of the Hearers, or by neceſſary Conſequence.* Gerſ. T. II. p. 380.

becauſe

becauſe this Propoſition of *Wickliff* was condemn'd, there was much more Reaſon for condemning *John Petit*'s Propoſition, which goes much farther. But the Doctors of the *Burgundian* Party had affirm'd that the Propoſition aſcrib'd to *Wickliff* was condemn'd improperly. There was an extraordinary Clamour concerning what *John Petit* had advanc'd in his Apology for the Duke of *Burgundy*, that when a Man has ſworn, he is not oblig'd to keep his Oath, if it be prejudicial to him, or his Wife, or his Children. In this Place, the Duke of *Burgundy*'s Advocates maintain, *That after a Man has taken an Oath, he is only oblig'd to mind what he had actually in view when he ſwore; and that one who ſwears Friendſhip to another, is excuſable for not keeping his Oath if all he had in view was to hinder the Perſon whom he intended to murder from ſuſpecting him.* This Doctrine is abominable and monſtrous; as is alſo this, *That Murder is excuſable and juſt when committed by a Man from a good Intention, out of Zeal for the Law of God and for his Prince.* There are a great many Propoſitions upon the ſame Subject, and of the ſame Force, which may be deem'd as Apologies made beforehand for *Clements* and *Ravaillacs*; but I do not report them, becauſe 'tis natural to imagine that Perſons who have had the Boldneſs to advance ſuch deteſtable Principles, would not ſtick at ſmall Matters. *Gerſon* here ſets down the Propoſitions; but as they relate to the Authority of the Pope and the Council, 'tis better to poſtpone them to ſome other Opportunity, and to return with the Emperor to the Council. 1417.

VI. HE had been abſent above a Year and half, for he ſet out the 20th of *June*, 1415, and did not return till the 27th of *January*, 1417. From *France* he went to *England*, where he ſpent three Months to no purpoſe in negociating a Peace betwixt the two Kings. Hiſtorians agree unanimouſly in the Miſcarriage of this Negociation; but they differ as to the Reaſons of it, ſome aſcribing it to the *Engliſh*, others to the *French*. *Juvenal des Urſins* (*a*) and *Enguerrand de Monſtrelet* (*b*), who were Writers of that Time, lay the Blame of it upon the *French*; but eſpecially on the Count *d'Armagnac* Conſtable of *France*, who was then the moſt powerful Man in that Kingdom. I fancy one may ſafely ſay both were in Fault (1). Nevertheleſs (*c*) *Windeck*, the Emperor's Privy-Counſellor, who was preſent during the whole Affair, lays it at the Door of *France*. He ſays too what however does not ſeem very probable, that before the Battle of *Azincourt*, the Affairs of the King of *England* were in ſuch a bad Situation, that he ſent a *Charte Blanche* (*Literas vacuas*) into *France* to conclude a Peace upon any Terms; but that the King of *France* ſinging Triumph before the Victory, he was reſolv'd by all means to give Battle. The Emperor's Return to *Conſtance*. *Jan.* 27.

(*a*) *Juv.* p. 424.

(*b*) *Monſtrel* T. I. p. 251

(*c*) *Windeck*, cap. 84.

(1) This was the Opinion of M. *de Larrey*, in his Hiſtory of *England*, under the Reign of *Henry* V. p. 825.

1417. VII. FATHER *Maimbourg*, in his History of the Grand Schism in the West, and after him Father *Daniel*, in his new History of *France*, have shrewdly suspected *Sigismond*'s Sincerity in this Negociation. 'Tis true, that in the IXth Tome of the Publick Acts of *England*, (*Rymer*'s *Fœdera*) we find a League and Confederacy betwixt *Sigismond* and *Henry* V. sign'd by the two Kings the 15th of *August*, 1416, at *Canterbury*. M. *de Rapin Thoyras*, in his excellent History of *England*, gives this Account of it. *Sigismond*, (says he) *on his Arrival at* Canterbury, *sign'd a Treaty of perpetual Alliance with* Henry, *and at the same Time a League against* France, *wherein he promis'd to assist the King towards his Recovery of the Kingdom of* France (*a*). And what is yet more authentick is, that it appears from the Acts of the Parliament of *Paris*, of *March* 17, 1417, reported in the *History of the University of* Paris, that the King of *France* complain'd of this League, as a notorious Breach of Faith. 'Although, moreover, the late King paid several great Honours and 'Courtesies to the said King of the *Romans*, as to his near Kinsman, 'Ally and Friend, and that the said King of the *Romans* term'd the 'said King as such, saying more than once to several Persons of Di'stinction, Lords of Quality, and others, that he would make a 'Peace between the King and his Adversaries of *England*, without 'Cost or Damage to the King; yet the said King of the *Romans*, as 'soon as he set out from the Court of *France*, after the Honours and 'Courtesies paid him, as aforesaid, pretending that he was going in'to *England* to treat of the Peace, did afterwards, contrary to his 'Oath, Fidelity and Alliances aforesaid, and without regard to the 'Law of Nature, the Lineage and Death of his Grandfather afore'said (1), transport himself to *England*, where, as a Demonstration of 'his Treachery and ill Will, which he had conceiv'd against the King, 'he made an Alliance and Union with the said Adversary of *England*; 'and for his sake, without any Cause whatsoever, defy'd, and in his 'Name caus'd the King to be defy'd, who never did him Harm (*b*).' These Complaints of the King of *France* will appear to have the better Foundation, if we do but consider a certain Act, which *Denys Godfrey*, Counsellor and Historiographer to the King, has inserted in his Notes upon the History of *Charles* VI. by *John Juvenal des Ursins*. 'Tis a Treaty of Alliance between *Charles* VI. and *Sigismond*; with a Confirmation of all the preceding Alliances made by the Emperor, *Charles* IV. by *Wenceslaus*, at that Time King of the *Romans* and *Bohemia*, and by *John* Duke of *Juliers*, with *Charles* V. King of *France*. This

Apology for *Sigismond*.

(*a*) History of *England*, T. III. p. 460.

(*b*) History of the University of *Paris*, T. V. p. 316, 317.

(1) This was *John* King of *Bohemia*, who, tho' blind, was resolv'd to signalize himself in favour of *Philip de Valois* against *Edward* III. at the famous Battle of *Cressy*, where he was kill'd in 1346. *See* Daniel's *History of* France, T. III. p. 470, *and Mr.* Rapin's *History of* England, T. III. p. 195.

Alliance

Alliance is drawn up in the ſtrongeſt Terms and the moſt authentick Form; and what is remarkable in it is, that *John* Duke of *Burgundy*, with whom *Sigiſmond* treated, is expreſsly excepted out of it. *Ac etiam contra Joannem nominatum Ducem Burgundiæ, ejuſque coadjutores & adhærentes præſentes & futuros quem & quos in præſentibus, unione, confœderatione & colligatione, ac etiam in præmiſſis renovatione, & confirmatione, excluſum, & excluſos eſſe, & pro excluſo, & excluſis penitus haberi volumus* (*a*). This Act is dated at *Paris*, the 25th of *June*, 1414, and is atteſted by the King of *France*, and confirm'd with his Seal on the 17th —— 1417, that is to ſay, near four Years after the firſt Date, unleſs both are miſtaken. There muſt needs be a Miſtake in the firſt, which dates the Treaty on the 25th of *June*, 1414, becauſe then *Sigiſmond* was ſtill at *Conſtance*, and did not ſet out from thence till *June* in the Year following. All the reſt of the Year he ſpent in *Spain*, as appears by the Dates of the Letters which *Sigiſmond* wrote to the Council. This Prince could not return to *France* till the Beginning of 1416. This is plain from one of his Letters to the Elector *Palatine*, dated at *Lyons* the 22d of *January* that Year, wherein he acquaints the Elector that the King of *Arragon* had renounc'd *Benedict* XIII. He did not arrive at *Paris* till towards *April* the ſame Year, as may be ſuppoſed by the Letter from the Deputies of *Cologn*, dated the laſt Day of *April*; wherein they acquaint the Univerſity, that the King of the *Romans* had wrote Word to the Archbiſhop of *Strigonia* that he had been at *Paris*, and was going forthwith to *Calais*, whither the King of *England* was to repair by the 21ſt of *May*, to treat of a Peace, or a long Truce, between the two Kingdoms, and to negociate the Marriage of *Catherine* of *France*, Daughter to *Charles* VI. with *Henry* V. *b*). 'Tis therefore evident, that the Treaty with *France* could only be ſign'd in 1416, and not in 1414.

1417.

(*a*) Note, upon the Hiſtory of *Charles* VI. p. 672.

(*b*) *Martene Anecd.* T. II. p. 166.

BE it as it will, the *French* Hiſtorians having, upon this Occaſion, ſpoke very much to the Diſadvantage of *Sigiſmond*, one may, without departing from the Laws of Hiſtory, be allow'd to make ſome Hiſtorical Reflections in his Vindication, if we do not abſolutely juſtify him. Firſt, let us hear the Charge brought againſt him by Father *Maimbourg*. 'He eſpouſed the Intereſt of the King of *England*, and made 'a publick League with him againſt *France*, which really was a very 'bad Step towards procuring the Peace of the Church, as he pretend-'ed was his View, by that *fine Voyage*, which has made ſuch a 'Noiſe in Hiſtory; the ſole End of which, after his Miſcarriage on 'the ſide of *Spain*, in reducing *Peter de Luna*, was the making of a 'League with the *Engliſh* againſt a Monarch who acted with the 'greateſt Zeal and Fervency to put an End to the Schiſm. This is a 'Fact which Hiſtorians did not know, becauſe they have not inform'd 'the World of it, and perhaps they will be oblig'd to me for having

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1417. 'discover'd it, in order to undeceive those who being misinform'd, 'even to this Day, suppose *Sigismond* for the *grand Peace-maker of* 'the Church.' Father *Daniel* explains himself upon this Matter with more Moderation and Justice. What he says amounts to these two Things. 1. That *Sigismond*, at his Return from *England*, was suspected by the King of *France to be more in the Interests of the King of* England *than in his.* 2. That the Motive he alledg'd for his making a League with the King of *England*, was, *that the Kings of* France *unjustly with-held certain Lands which belong'd to the Empire* (*a*). The Accusation therefore against *Sigismond* turns upon these three Heads. 1. That *Sigismond*, by making an Alliance with the King of *England*, was guilty of a Breach of Faith with the King of *France.* 2. That he had other Views in his Travels than the Union of the Church, and that his Journey to *Spain* was unsuccessful. 3. That 'tis a Mistake to reckon *Sigismond* the *grand Peace-maker of the Church.* As to the first, if *Sigismond* was guilty of any Breach of Faith, in changing Sides, 'tis certain the King of *France* was the Cause of it. *Charles* VI. had accepted his Mediation. It was with this View that *Sigismond* set out, and even not without being suspected by the *English*, because *just as he was going to put to Shore, he met with the Duke of* Glocester, *and some other Noblemen, who, with Swords drawn, leap'd into the Water and stopp'd his Vessel.* Sigismond, *surpriz'd at such a Reception, demanded the Reason of it. To which the Duke answer'd, That if he came to* England, *as claiming any Right to it, they had Orders to hinder his landing; but that if he only came as a Mediator of Peace, he was welcome*—— (*b*). It was this Adventure, perhaps, that occasion'd the Reports that *Sigismond* was either dead, imprison'd or poison'd, as we are told by *Vrie* the Monk of that Time (1), in his History of the Council of *Constance*. *Windeck*, who made the same Voyage, declares, that he ran the Risk of his Life in *England*; *nay, that as he pass'd thro' one Place, the People offer'd to murder his Retinue* (*c*). Which is a pretty plain Indication that the *English* were jealous of him. However, it can't be doubted that *Sigismond* had it very much at Heart to accommodate *France* and *England.* We are told by *Windeck*, that *Sigismond* being in *Catalonia* when *Harfleur* was taken, sent Ambassadors to the two Kings, to endeavour to reconcile them; but that they return'd without Success, the *French* not permitting them to pass over to *England*, and being resolv'd to proceed to Blows, notwithstanding the Instances of the Emperor (*d*), who, when he ar-

(*a*) Father *Daniel*'s History of *France*, T. III. p. 883.

(*b*) *Rapin*'s History of *England*, T. III. p. 456.

(*c*) *Windeck*, Cap. 59.

(*d*) *Vb sup.* Cap. 83.

(1) Quidam latenter inter se ruminant, ipsum esse captum, neque libertati reddendum. Alii mortuum ferunt. Cæteris maximis subjectum periculis eloquuntur. Inter hæc veneno nonnulli sibilant eundem decumbere & pristinæ non posse restitui sanitati. *Ap. V. d. Hardt*, T. I. p. 190.

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riv'd in *France*, exerted himſelf with as much Zeal, though with little Succeſs. We will now hear what is ſaid upon this Subject by another cotemporary Writer, *John Juvenal des Urſins*, Archbiſhop of *Rheims*, ſo zealous an Advocate for *France*, that he would not have ſpar'd *Sigiſmond* if he had found him leaning to the wrong Side in this Affair. 'At this Time the Emperor was ſtill in *England*, where he did 'his utmoſt to procure a Peace between the two Kings. For this 'End, he ſent ſeveral times into *France*. Various Articles were 'drawn up at different Times, and in various Manners and Forms; 'but, after all, neither Agreement nor Peace could be made. And 'the Emperor ſtrenuouſly perſuaded the King of *France* to make 'Truces for three or four Years; and it ſeem'd that the *Engliſh* 'would have been therewith ſatisfy'd. But the King would not take 'the Advice when he ſaw Succours arrive from all Parts (*b*).' This Account is confirm'd by *Windeck*. For he ſays, that when *Sigiſmond* was in *England*, he ſent Gentlemen to know if they were inclinable to conſent to the Accommodation propos'd, but that the Count *d'Armagnac* embroil'd all Matters; and that the *French* ſent into *England* to *Sigiſmond*, to acquaint him that they would not hear the mention of a Peace, which diſoblig'd the Emperor extremely. To theſe two Hiſtorians we may add a third, who was alſo cotemporary, *viz. Enguerrand de Monſtrelet*. 'Moreover, *ſays he*, the Ambaſſadors of the King of *France*, who went over to *England* with 'the *German* King, namely, the Archbiſhop of *Rheims*, the Lord of 'Gaucourt, and ſome others, return'd back to *France* to wait on the 'King. And, at the Inſtance of the *German* King, there came Ambaſſadors to *Calais* from the King of *England*, that is to ſay, the 'Biſhop of *Norwich* and Sir *Thomas Eſpingham*, a Knight of great 'Renown, the King's grand Maſter of the Houſhold, attended by 'ſeventy Horſemen, who, by a Safe-Conduct from the King of 'France, travell'd from *Calais* to *Monſtreuil*, and from *Abbeville* to 'Beauvois, at which Place they were honourably received by the 'King's Miniſters, who repair'd thither to negociate Truces with them 'for a certain Term of Time between the two Kings of *France* and 'England, and alſo concerning the Ranſom of ſome Priſoners de'tain'd by the *Engliſh*; but they came to no Concluſion, becauſe the 'Conſtable of *France* had cauſed the Town of *Harfleur* to be be'ſieged by Sea, and was not willing to depart. And therefore the 'ſaid *Engliſh* return'd to *England*, *re infecta*; but, ſoon after, other 'Ambaſſadors were ſent from King *Henry* to the Duke of *Burgund*, at 'Liſle, namely, the Earl of *Warwick*, and ſome others, who negociated ſo effectually with the ſaid Duke, that they ſettled Truces 'with one another, from the Feaſt of St. *John* the *Baptiſt*, in the 'Year aforeſaid, to that of St. *Michael* in the Year XVII. only for

1415

*ubi ſupra*, cap. 85

(*b*) *Hiſt. Chron. Carol. VI. Reg. Franc.* ad Ann. 1414. p. 554.

1416. 'the Earldoms of *Flanders*, *Artois*, and their Dependencies. And 'those Truces were proclaim'd by the said Duke of *Burgundy* in the 'usual Places, whilst many People were astonish'd at such separate 'Truces made in regard to the Kingdom of *France*.

LASTLY, besides *Sigismond*'s Treaty with *Henry* V. we meet with several Pieces in the Publick Acts of *England*, which having the Sanction of Authority, leave no room to doubt of *Sigismond*'s sincere Intentions to procure a Peace between the two Kings, and of the ill Disposition of *France* towards that End. The first Piece is a Letter from *Henry* V. to the Viscount of *Kent*, in which he acquaints this Lord that he is resolv'd to return to *France*, in order to prosecute his Right or Pretensions, and commands him to raise Troops for the Voyage. It appears by this Piece, 1. That there had been already several fruitless Negociations between the King of the *Romans*, and *William* of *Bavaria* Duke of *Holland* (1), as Mediators on one Part, and the two contending Kings, or their Plenipotentiaries, on the other. 2. That, among other Propositions, it was agreed, by the Advice of the Princes and Nobility of *England*, to deliver up *Harfleur* into the Hands of *Sigismond* and *William*, upon certain Securities and Conditions, which were honourable and agreeable to *England*. 3. That the Prisoners of (2) *France* had refus'd to consent to those Terms, and that it even plainly appear'd they meant nothing else, but to bubble and amuse the Mediators and the King by their Intrigues. 4. That for these Reasons he orders him to cause publick Proclamation to be made of his Voyage, and the necessary Orders to be given for his Attendance. The Letter is dated at *Westminster* the 13th of *June*, 1416. In the same Acts we find circular Letters of the same Date and Tenor to all the Governours of Counties in *England*, and to the Chancellor of the County Palatine of *Lancaster*.

THE second Piece, which is dated the 23d of *June*, contains a Notification of the Truce between the two Kingdoms by the Mediation of the two Princes abovemention'd. The King of *England* sets forth in it, that those two Princes having judged that a Peace could not well be concluded without a Truce and a Suspension of Arms, he has given Full Power to three of his Privy-Counsellors to conclude a general and a particular Truce by Land and Sea for as long Time as they should think necessary, and to chuse such Guarantees of it as they should judge proper. The third Piece is a Mandate from *Henry Chicheley* Archbishop of *Canterbury*, dated the 2d of *August*, to *Richard* Bishop

(1) Post varios cum Rege Romanorum & Duce Hollandiæ super viis & modis Pacis habitos absque effectu.

(2) They were the Dukes of *Orleans* and *Bourbon*, the Counts *d' Eu*, *de Vendome*, *Richemond*, *Ltouteville*, and the Marshal *de Boucicaut*.

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of *London*, and all the Bishops of *England*, to make Processions and publick Prayers for the Peace, for the Prosperity of the King, and the Kingdom, and in particular, *for the Prosperity of the King of the Romans, who had labour'd, and was still actually labouring with indefatigable Zeal for the Peace of the Church, and of the two divided Kingdoms* (1). The fourth is an important Piece. 'Tis a Letter written from *Henry* V. with his own Hand, and sent under the Privy Seal to one of his Ministers or Secretaries (2), probably at *Calais*. This Letter contains a secret Negociation between the King of *England* and the Duke of *Bourbon*, which was to be communicated to no Person whatsoever but the Emperor; and the King orders his Minister not to let the Emperor himself know it till he had promis'd to keep it secret. The Substance of it was as follows: The King therein tells him, 1. That the Prisoners of *France* had held several Conferences with him concerning the Peace between the two Kingdoms. 2. That as the Upshot of all their Consultations was to obtain their own Liberty, and to hinder him from returning to *France*, they had been of no Effect. 3. That in the mean Time those Lords the Prisoners had mov'd the King to make his own Demands; and that when he demanded of them to own him for their Sovereign, the Duke of *Orleans* answer'd for one and all, that he had no Answer to make upon that Head. 4. But that the Duke of *Burgundy* having afterwards desir'd a private Conference with him, he granted it to him, and that then the Duke spoke to him in these Terms. 'My Lord *(Mi Domine)* since God has been pleased 'to deliver us into your Hands (3), there have been several *Conferences* 'about a Peace. Among other Things, you have all along insisted 'that we should acknowledge your Right to *France*. This engag'd us 'to send into that Kingdom, that we might be inform'd of the Foun-'dation of your Pretensions upon that Head. We have indeed re-'ceiv'd much more Light in this Matter than we had before we were 'taken Prisoners; and I can assure you, that I know more of it than 'I ever knew before. But furthermore, my Lord, I have heard that 'you demand certain Domains, Lands (4), *&c.* and that if they are 'yielded to you, you will then, for the Love of God, and for the 'Sake of Peace, voluntarily renounce your Claim to the Crown of *France* 'in such Manner and in such Form, as shall be agreed on both Sides.'

(1) In quibus etiam Christianissimum Principem Sigismundum Romanorum Regem, qui ad sanctæ Matris Ecclesiæ unionem pacemque inter Reges & Principes procurandam extra natale solum positus ferventissime laboravit, & laborare non desinit adhuc usque.

(2) His Name was *Tiptoft*.

(3) After the Battle of *Agincourt*.

(4) The King tells *Tiptoft*, that by these Lands must be understood those which are included in what he calls the *great Peace*, in the manner as they are therein comprehended, together with *Harfleur* and the adjacent Part of *Normandy*.

1417. *For my own Part*, says the Duke of *Bourbon*, *I think your Offer is truly great and reasonable, and that it ought by no means to be rejected by him whom you call your Enemy.* 5. The King sets forth, 'That 'upon this the Duke of *Bourbon* had desir'd Leave of him to go to 'France, with proper Securities, in the Name of his Associates, 'whose Agreement he engag'd to obtain.' 6. That indeed they consented he should go in their Behalf to *France* to perswade the King to yield those Lands to the King of *England*, to which he made a legal Demand; and that if they were resign'd to him, he would go over this Year to *France* to take Possession of them. 7. In case that the King of *France* should refuse them to the King of *England*, the Duke spoke to the latter as follows. 'My Lord, if this is deny'd by your 'Enemy, we are quit of our Engagement, and in particular I the 'Duke of *Bourbon* (*nos, nos acquitavimus*). Then will I return with 'all Speed to be with you by the Time appointed (*ita quod servabo diem 'appunctuatum*), putting my Castle and Forts, in the mean Time, into 'such Hands that I may be sure of having them again (1) when I 'please. And when I shall return into your Presence, as, if it please 'God, I shall not fail to do, I promise you, upon my Life, (*per ve-'ritatem corporis mei*) to pay Homage to you as my Sovereign Lord, 'and will demonstrate your Right so clearly to *France*, that all Mankind shall be convinc'd that I only do my Duty; and that whoso-'ever does not do so too, acts against his Honour. I only intreat 'you, my Lord, that this be kept an entire Secret till I return, be-'cause I should run a great Hazard if it comes to be blown while I 'am there.' 8. *Henry* tells his Minister, that he has permitted the Duke of *Bourbon* to go in the Name of all the other Prisoners, without letting any one of them into the Secret; and he orders him to acquaint *Sigismond* that the Duke shall set out as soon as he has his Passports and Securities ready; but that whatever be the Success of the Negociation, he, *Henry*, will nevertheless go over to *France*, according to his former Resolution (*a*). It appears, from this Piece, that the Negociation for a Peace still continued, notwithstanding the Treaty of *Canterbury*; that the King of the *Romans* interposed in it, and that, if we may judge of the Matter by the Terms of the Letter, the King of *England* was sincere, and the Duke of *Bourbon* dishonest, who aim'd either at betraying his Country, or putting a Trick upon *Henry*. Therefore here we may be allow'd to repay Father *Maimbourg* in his own Coin: *This is what Historians undoubtedly knew nothing of, because they have not inform'd the World of it, and perhaps Mankind will be oblig'd to me for having gone so far towards undeceiving*

(*a*) Rymer's Fœdera, T. IX. *Biblioth. Ancien & Moderne*, T. I. Part I. & *Acta Regia* Vol. II. p. 130, 150.

(1) Ponendo interim omnia Castella & Fortalitia sub tali regimine, quod sim securus habendi illa quandocunque libet.

those,

*thoſe, who, for want of being better inform'd by their Authors, even to this Day, refuſe* Sigiſmond *the Character of the grand Peace-maker of the Church* (*a*). If therefore the Emperor, after being trifled with, and, as we may ſay, bubbled by *France*, eſpouſed that Side which was moſt favourable to his Intereſts, he did no more than what all other Princes would have done in the ſame Caſe: Whether they were in the wrong or not, is their own Affair, the preſent Caſe being only a Point of Law, and not of Fact. Who knows but the Emperor was afraid of bringing the *Engliſh* upon his Back after they had been ſo diſguſted at the Miſcarriage of his Negociation that he was loth to truſt even the *Engliſh* Bottoms to carry him back? This is a Circumſtance aſſerted by *Windeck*, an Eye-Witneſs; and I cannot think either that he was miſinform'd, or that he would offer to tell a Lye for the purpoſe. Neither can *Sigiſmond* be accus'd of having betray'd the King of *France*, by treating with the King of *England*, becauſe Father *Daniel* ſays, *That* Sigiſmond *wrote Letters from thence to the King (of* France) *wherein, after having reproach'd him for the Slight he had put upon his Mediation, and for his Obſtinacy in not accepting the Terms of Peace that were offer'd him, he declar'd to him, that he had made a League with the King of* England *againſt* France, *whoſe Kings had for a long Time unjuſtly with-held certain Territories belonging to the Empire, and that he gave him Notice of it, to the End that he might not be ſurpriz'd* (*b*). To ſay, as Father *Maimbourg* does, that this Treaty was prejudicial to the Union of the Church, is a groſs Miſtake of the Fact. The Reconciliation of the two Kings might have favour'd the Union of the Church; but when this Reconciliation was impracticable, it was an indifferent Point with reſpect to the Union of the Church whether *Sigiſmond* was for *England* or *France*. I am alſo very much inclin'd to believe that this Treaty of *Sigiſmond* with *Henry* V. was only a proviſional Treaty, which *Sigiſmond*, who was diſſatisfy'd with *France*, might have had Recourſe to in caſe of Need. It would not, perhaps, be a difficult Task to find, in the Records of ſeveral Countries, Inſtances of proviſional Treaties, which never were put in Execution as this never was: Witneſs Father *Daniel*; *Theſe were only Menaces*, ſays he, *without Effect* (*c*).

1417.

(*a*) *ubi ſup.* Lib. VI p. 26.

(*b*) *Ubi ſup.* p. 582.

(*c*) *Ubi ſup.*

As to the Reproach caſt upon *Sigiſmond*, that he had other Views in his Treaties and Voyages than the Union of the Church, 'tis a groundleſs Accuſation, unleſs it be made appear what other Views he had, contrary to that Union. No People, much leſs Princes, are reſtrain'd from having ſeveral Views in their Proceedings. If *Sigiſmond*, in his Treaty with the King of *England*, had it in his View to recover what he pretended *France* had uſurp'd from the Empire, he did not thereby prejudice the Union, and did no more than what all Princes do when they have an Opportunity to make the moſt of their

1417. Pretenſions. As to the Claim he had to ſome Lands that were diſmember'd from the Empire, and in particular to the Kingdom of *Burgundy*, or *Arles*, let us by the way hear the Sentiment of *Theodoric*, or *Thierri de Niem*. 'The Kingdom of *Arles*, *ſaid he*, or *Burgundy*, 'holds immediately of the Empire, *Otho* I. having acquired it five 'hundred Years ago from *Boſon*, the laſt King of *Arles*, who united 'and incorporated it with the Empire, to which it was very neceſſary; 'for at that Time the Empire was by that Means able to check the 'neighbouring Powers, as the *Italians*, *French*, &c. both by Land 'and Sea, and to gain many other Advantages, as was the Practice 'for above three hundred Years. But for above a hundred Years, 'or thereabouts, what with the Broils that happen'd in the Empire, 'and what with the Negligence of the Emperors and the Kings of 'the *Romans*, ſaving the Reſpect I owe them, this Kingdom was 'rent in Pieces, and paſs'd into the Hands of Foreigners, particu-'larly Prelates, Princes, and great Temporal Lords. The Conſe-'quence is, that thro' this Negligence and Inactivity of the Em-'perors, the Inhabitants of this Kingdom are oppreſs'd by ſeveral 'Tyrants, for which the Kings of the *Romans* will be reſponſible, if 'they do not rouſe from their Lethargy.' From hence 'tis plain, that if the Emperor had a View to re-unite what had been diſmember'd from the Empire, he did no more in this Matter than what he was adviſ'd to do. But in the Reconciliation of *France* with *England*, *Sigiſmond* had ſtill another View, which puts it beyond all Doubt that he ſet about it with Sincerity: That was to obtain Succours againſt the *Turks*, who, as we have ſeen, deſtroy'd *Hungary* with Fire and Sword, pillag'd the Churches, and the Eſtates of the Clergy, murder'd the Prieſts, and even threaten'd all Chriſtendom. Before he went for *Spain*, he had heard the bad News of the Overthrow of the *Hungarians*, and it had been natural for him to have gone in Perſon to their Aſſiſtance. But preferring the Intereſts of the Church before his own, he declar'd, that *tho' he were to loſe his whole Kingdom of* Hungary, *he would not abandon the Church or Council*, as the Deputies of *Cologn* declar'd (1). While he was in *France*, the *Turks* purſued their Conqueſts. They had already penetrated into *Dalmatia*, *Sclavonia*, *Auſtria*, and even to the Confines of *Germany*, on the one Side, and on the other as far as to the Territories of *Aquileja* and *Strasbourg*, by the Aſſiſtance of the *Venetians*, who, whatever Face they put on, were the Emperor's conſtant Enemies. Was it not a very natural and a very laudable View to endeavour to procure the Reconciliation of the Chriſtian Princes, in order thereby to obtain

(1) Quibus lectis dixit Chriſtianiſſimus Rex, & ſi oporteret perdere totum regnum Ungariæ non dimittam Eccleſiam, & ſacrum hoc Concilium. *Marten. Anecd* T. II. p. 1633. *Niem ap. V. d Hardt*, T. II. p. 416.

Succours

Succours for himself and all Christendom at the same Time? He had another View well worthy of his Magnanimity and Piety, even according to their Principles, who have aim'd to blazon his Conduct. I will express it in *Theodoric de Niem*'s own Words. 'If he can, by 'the Help of God, be so successful as to pacify *France* and *England*, 'he has it very much at Heart to labour with the Kings and Princes 'of the West for the Deliverance of the Catholicks from the Yoke 'of the *Saracens*, by the Settlement of a general Toll in the East, 'as was resolv'd upon in the Synod of *Clermont* in *Auvergne*, which 'assembled under *Urban* II. towards the End of the eleventh Cen- 'tury (*a*).' But if he did not succeed in all his Views, 'tis certain he did in the principal one, which was to unite *Spain* to the Council by its renouncing *Benedict* XIII. whatever Turn Father *Maimbourg* affects to give to it. Father *Daniel*, his Brother, has done this Prince more Justice. *Nevertheless the Emperor*, says he, *had no Reason to repent of his Journey, because the Kings of* Arragon, Castille *and* Navarre, *being offended at the Obstinacy of* Peter de Luna, *which was the sole Hindrance of the Union of all the Christians under one and the same Head, abandon'd him, and conform'd to the Council of* Constance (*b*). 'Tis therefore with very great Injustice that Father *Maimbourg* refuses *Sigismond* the Character of *Peace-maker of the Church*: 'Tis giving the Lye to all the Authors of that Time, to universal History, and even to all *Europe* who paid him this Compliment. Father *Daniel* treats this Matter with much more Equity. *The Emperor* Sigismond, says he, *to whom the Church was so much obliged for having deliver'd it from the Schism, with which it was disturbed for so many Years, undertook this Affair with all the Zeal possible.* I thought it but Justice to make this Apology for that great Prince, without digressing from the Council of *Constance*, of which he was constantly the Hero.

1417.

(*a*) *Nem. de Vet. Schism.* T. II. p. 155.

(*b*) T. III. p. 882.

As he had been expected with great Impatience and Uneasiness, he was received with extraordinary Joy and Magnificence. In the Morning, the Cardinals, Patriarchs, Bishops, and all the Clergy, dress'd in their Pontificalia, waited for him in the Cathedral Church where, after the Mass, the Cardinal of *Florence* preach'd a Thanksgiving Sermon upon his happy Arrival, while the Elector *Palatine*, the Burgrave of *Nuremberg*, the other Princes, and all the Nobility, went some Leagues out of Town to meet him. When he came into the Neighbourhood, all the Clergy march'd out in Procession to receive him, while the Bells rang, and the Cannon were discharg'd to salute him. The Emperor made a Halt upon the Bridge of *Constance*, where he was receiv'd by the Magistrates under a stately Canopy of Gold, carry'd by four Senators; the Patriarch of *Constantinople*, the Cardinal *de Viviers*, the Elector *Palatine*, and the Burgrave of *Nuremberg* attending him under the Canopy, which was supported by

B 2 at

1417. all the Clergy. When *Sigiſmond* was arriv'd at the Gate of the Church, he fell upon his Knees, and after having made a Prayer, he enter'd the Church, where the Biſhop of *Salisbury* ſtay'd to pronounce a Diſcourſe before him, by way of Thankſgiving and Congratulation, from theſe Words; *He ſhall be exalted in the Sight of the Lord.*

HERE may be inſerted the Relation which was made to the King of *England* by one of his Ambaſſadors concerning *Sigiſmond*'s Return to *Conſtance*. 1. He tells *Henry*, that the King of the *Romans* arriv'd at *Conſtance* on *Wednesday* the 23-th of *January*, at Three o'Clock in the Afternoon, adorn'd with the *Collar of the Garter*, to the great Satisfaction of the *Engliſh*, *(lætabile ſpectaculum cunctis veſtitis Ligiis Hominibus conſpiciendum)*. 2. That he was received without the Gates of *Conſtance* by a great Proceſſion of all the Orders, Cardinals and Deputies of all the Nations; that the *Engliſh* in particular diſtinguiſh'd themſelves by the Magnificence of their Habits *(veſtrorum Procerum optime arraiatorum)*, and that in this great Multitude they were the only People to whom he gave the Honour of taking them by the Hand *(veſtros Proceres gratioſe & hilari admodum vultu excepit, & in tam frequenti turba, manus honorificorum omnium veſtræ Nationis virorum ſolum attigit)*. 3. That the Biſhop of *Salisbury* repair'd with all Haſte to the Place of Council to take the Chair before the Arrival of the Cardinal of *Cambray*, who is here call'd the *Chief of the* French *Nation, and the particular Enemy of the King of* England, becauſe he propos'd to make a Speech before the King for the Glory of that Nation; but that the Biſhop of *Salisbury*, jealous of the Honour of his own Country, kept his Poſt, and harangued the King, who, after having heard him with Pleaſure, went and took ſome Refreſhment, for he had not yet din'd. 4. That next Day the Ambaſſadors of *England* went to the King's Palace to congratulate him upon his happy Arrival; and that the Biſhop of *Cheſter*, Preſident of the *Engliſh* Nation, made a very agreeable Diſcourſe to him. 5. That on the Day following the Emperor ſent for them to his Palace, and, after having thank'd them for their Fidelity and good Conduct in his Abſence, he told them that he had renew'd the perpetual Peace with *Henry* V. for himſelf and his Succeſſors, which he had made with *Henry* IV. his Father: That then he expatiated in the Praiſes of the King of *England* and the Princes of the Blood Royal, of the Government of the Church, and of the Divine Worſhip which is there ſo religiouſly obſerv'd, that he thought himſelf in Paradice in Compariſon of other Places where he had been. 6. In this Letter, 'tis ſaid that there's no Room to doubt but the Biſhops of *Cheſter* and *Salisbury*, and all the *Engliſh* Ambaſſadors, were entirely diſpoſed to promote the Reformation of the Church in its Head and Members, in concert with the King of the *Romans*, without Regard to the Benefices

Benefices which they poſſeſs'd, and which they would rather part with than leave the Buſineſs of the Reformation imperfect. That upon Candlemas-Eve, Letters came from the King of *France*, commanding his People to diſcharge the Duke of *Burgundy*'s Embaſſadors from attending with the *French* Nation; and that it was reported that the ſaid King had ſent a great Sum of Money to *Genoa* and *Provence*, to procure ſtout Ships and Galleys for oppoſing the Paſſage of the King of *England* (1). 1417.

VIII. UPON this Occaſion, all Ranks of People ſtrove to give *Sigiſmond* publick Teſtimonies of their Zeal and Gratitude. The *Engliſh* in particular ſignaliz'd theirs by a Repreſentation, which, if not altogether new, was at leaſt hardly known in *Germany* before. It was a ſort of pious Comedy, or Leſſon of *Morality*, which the *Engliſh* Biſhops caus'd to be acted before the Emperor on *Sunday* the 31ſt of *January*, upon the *Birth of our Saviour*, the *Arrival of the wiſe Men*, and the *Maſſacre of the Innocents*. They had already rehears'd this Piece ſome Days before, in the Preſence of the Magiſtrates of *Conſtance*, and a great many Perſons of Diſtinction, to the end that the Actors might be the better qualify'd to perform their Parts before the Emperor. The Invention therefore of Repreſentations of this kind in *Germany*, is due to the *Engliſh*, according to the Opinion of Dr. *Vonder Hardt*. Indeed, 'tis generally aſcrib'd to the famous *John Reuchlin* alias *Capnion*, a Civilian and a Critick, who flouriſh'd about the End of that Century, and who, in 1497, caus'd a Comedy to be acted in *Latin* Verſe at *Heydelberg*, at the Palace of the Biſhop of *Worms*: And the very Prologue of that Piece ſeems to do *Reuchlin* the Honour of having firſt introduc'd Comedy into *Germany*, as appears from theſe four Verſes, which are not very different from the Stile of *Terence*.

A ſacred Comedy *V. d' Hardt*, T. IV. p. 1580, 1581. *Jan.* 31.

*Reuchlin* in the *German*, and *Capnio* in *Latin*, is *Fumée* in the *French*, and Smoak in *Engliſh*.

*Optat Poeta placere paucis verſibus:*
*Sat eſſe ademptum gloriæ arbitratus eſt,*
*Si auctore ſe Germaniæ Schola luſerit*
*Græcanicis & Romuleis luſibus.*

(1) The Letter is dated the 2d of *February*, and ſign'd *John Foreſter*. The Superſcription was this: *Supreme mi Ligie Domine, & mihi Princeps Chriſtianiſſime, metuendiſſime ſuper Terram, recommendo me veſtræ Celſæ, Regali & Imperiali Majeſtati omnimodo cum honore, cultu, gratia & obedientia.* Rymer's Fœdera, T. IX. *i. e.* My Sovereign Liege Lord, and moſt Chriſtian Prince, the moſt Dread of Earthly Powers, I recommend my ſelf entirely to your High, Royal and Imperial Majeſty, with all Honour, Reverence, Love and Obedience.

1417.

i. e.

With theſe few Rhimes the Poet hopes to pleaſe, and thinks it ſufficient Honour that he has been the Introducer of the Plays of the *Greeks* and *Romans* into the *German* Schools.

*Sebaſtian Brandt.*

ANOTHER Civilian, who dedicated that Piece to the Biſhop of *Worms*, ſpeaks of it in theſe Words.

*Accipe Vangionum Præſul venerande, Joannis*
*Capnionis noſtri Comica dulciloqui:*
*Quo duce Germanos Comœdia priſca reviſit,*
*Et meruit ſoccis Rhenus inire novis.*

i. e.

May it pleaſe you, my Lord of *Worms*, to accept the Comedies of our eloquent *Reuchlin*, under whoſe Conduct the ancient Comedy has reviſited the *Germans*, and the *Rhinlander* gracefully enters upon the Stage with new Buskins.

*M. VON DER HARDT* has found out a happy Medium to reconcile *Germany* and *England* in this petty Competitorſhip for Glory, *viz.* That the *Engliſh* were the firſt that introduc'd the Uſe of the Theatre into *Germany*; and that *Reuchlin* was the firſt that dreſs'd the Comedy in the Language of *Parnaſſus* (1). Having made this ſhort Hiſtorical and Critical Digreſſion to unbend the Reader from ſerious Affairs, by the Example of the *Engliſh* Prelates, we return to the Buſineſs of the Council.

*Gerſon's* Sermons on the Affair of *John Petit*, and the Reformation.

IX. THE publick Demonſtrations of Joy upon the Emperor's happy Return, were no Hindrance to the great Affairs that ſtill remain'd to be regulated. Therefore *Gerſon* preach'd a Sermon, wherein he ſtrenuouſly preſs'd the Council to act with more Vigour than they had done in the Affair of *John Petit*, and by a ſevere Condemnation of all the Articles of his Doctrine, to ſecure the Life and Majeſty of Sovereigns from the ſeditious Enterprizes of their Subjects.

(1) *Reuchlin* may be allow'd the Honour of having introduc'd this Practice into *Germany*; but he had learn'd it of the *French*. I am inform'd, by a very accurate Author, that about 1470, when *Reuchlin* was at *Paris*, he there ſaw the famous Farce of *Patelin* play'd in *French*. This *Latin* Comedy, which he caus'd to be acted at *Worms* in 1497, was only an Imitation of that Farce, accommodated to the *German* Taſte. From thence it comes to paſs, that ſome have, by Miſtake, ſuppos'd that a literal Tranſlation, which there is of that Farce in *Latin*, was his.

*M. le Duchat.*

Two

Two Days after this, the Archbishop of *Strigonia*, Primate of *Hungary*, Chancellor of that Kingdom, and President of the Council of State, arrived at *Constance*, where he was receiv'd with extraordinary Honours. The Emperor went himself to meet him. Two Cardinals also accompany'd him as he enter'd the City, an Honour which they had not paid to any other Archbishop but the Archbishop of *Mentz*. 1417. 1, 2, 3 Feb. 3 Feb. Ld. Hardt, T. IV. p. 19...

X. MENTION has already been made of a Treatise which *Gerson* compos'd in Imitation of *Peter d'Ailli*'s, concerning the Authority of the Council and the Power of the Church. It was read publickly on the 6th of *February*, as a Preparative to the future Deliberations of the Council, either for the deposing of *Benedict*, or for the Election of another Pope, or finally for the Reformation of the Church. This Discourse consisted of several Considerations, which we will abridge. It is the more worthy of a Place here, because Dr. *Dupin* has given it as his Opinion, that *Gerson* never handled the Subject more accurately and profoundly than he has done here (*a*). CONSIDERATION the FIRST. The Ecclesiastical Power is that which Jesus Christ gave supernaturally and specially to his Apostles, his Disciples, and their lawful Successors, to the End of Time, for the Edification of the Church Militant, in order to bring it to everlasting Salvation by the Practice of the Evangelical Laws. CONSIDERATION the SECOND. The Ecclesiastical Power is divided into Power of Order and Power of Jurisdiction. The Power of Order is exercis'd in two manners, the one over the true Body of Christ, as to its Consecration; the other over the mystical Body of Jesus Christ, that is to say, over his Members. That of Jurisdiction is also twofold, and is exercis'd either over the external *Forum*, or Tribunal, or over the internal *Forum*, or Tribunal of Conscience. CONSIDERATION the THIRD. The Ecclesiastical Power of Order may be consider'd in two Views, either as relating to the Administration of the Body of Christ to Believers, or as relating to the Administration of the Sacraments of Ordination and Confirmation, the Consecration of Wax Tapers, Abbats, Churches, and the Establishment of Ministers. In this latter View, the Ecclesiastical Power is not equal in all Priests, because a mere Priest, according to the general Opinion of the Doctors, cannot confer Orders, nor confirm and consecrate Wax Tapers, which so essentially appertains to a Bishop, that tho' he confirms, or tho' he confers Orders when he is excommunicated, or in a State of Irregularity and Degradation, the Sacrament is never the less valid. *Gerson* observes here, that there is some Difference between the Sentiments of the Lawyers and the Divines concerning Episcopacy. *The Lawyers*, says he, *call Episcopacy an Order, because 'tis above the Priesthood. Tho' the Divines agree, that Episcopacy is a Hierarchical Power above the Priesthood, yet they don't say that it is an Order, because it adds nothing*

*Gerson's Treatise concerning Ecclesiastical Power.* Ld. Hardt, T. IV. Feb. 6.

(*a*) *Gersonia*, Fol. 48

1417. *ing to the Power of the Priest over the true Body of Jesus Christ. Therefore 'tis not a new Order, but a new Power.* CONSIDERATION the FOURTH. The Ecclesiastical Power of Jurisdiction, in the external Court, and which is of a restraining Nature *(coercitive)*, and which is exercis'd over another, even against his Will, in order to direct the Subjects of it to everlasting Bliss, as the chief and ultimate End of Man: This Jurisdiction is twofold, Temporal and Spiritual. Temporal Jurisdiction is exercis'd, according to the Civil Laws, for maintaining the Peace of Society. Spiritual Jurisdiction is exercis'd according to the Canon Laws, with a View to eternal Felicity. *But*, says *Gerson*, *this sort of Ecclesiastical Jurisdiction comes so near to Temporal and Political Jurisdiction, that it may, in many Cases, be communicated and committed to the Laity, and even to Women. This Prerogative*, continues he, *is so well establish'd in Scripture, that the Fullness of the Power of the Spiritual Sword, and the Exercise of it, takes Place against every Christian, not excepting the Pope. For*, adds he, *those Words*, Tell it unto the Church, *are not to be understood of the Pope, because Jesus Christ would not have express'd himself thus to St.* Peter. *Upon this Passage is founded not only the Power of Excommunication, but that of deciding, determining, making Statutes, Decrees, issuing Precepts, Laws, Canons, and of proceeding against the Disobedient, even to the Sentence of Excommunication inclusively; nay, according to the Canons instituted in this Council, the Church may proceed so far as to implore the Assistance of the secular Arm.* CONSIDERATION the FIFTH. The Ecclesiastical Power of Jurisdiction in the inner Tribunal is not *coercive*, but free with Regard to those who submit to it. 'Tis exercis'd over the mystical Body of Jesus Christ, and consists in the Illumination of it by Doctrine, in the perfecting of it by the Administration of the Sacraments, and in the purifying of it by Baptism and Penance. CONSIDERATION the SIXTH. The Ecclesiastical Power may, and ought to be consider'd in three Views. 1. Absolutely, and in itself. 2. With Regard to the Person over whom 'tis exercis'd. 3. With Regard to its Exercise and Execution. "The Ecclesiasti-
" cal Power consider'd in itself is invariable, and has always existed
" ever since the Church had a Being. For, says *Gerson*, when we
" consider the Church in its essential and permanent Parts, which
" are the Qualities of Pope, Cardinals, Patriarchs, Archbishops,
" Bishops and Priests, 'tis impossible to retrench any of those Powers,
" and for the Church to remain, at the same Time, what it was ori-
" ginally by the Institution of Jesus Christ. If, for Instance, it be
" admitted that the Pope be cut off from the inferior Powers, what
" remains will no longer be call'd the Church. Consequently, to put
" the Question, whether the Papal Authority is greater than that of
" the Church, is the same thing as to demand whether the Whole

" is

" is greater than the Part, or whether the Part is greater than the 1417.
" Whole." *From whence it follows, that if a general Council ſufficiently and fully repreſents the Catholick Church, it muſt neceſſarily include in itſelf the Papal Authority, whether there be a Pope, or whether by a Death, natural or civil, there be no Pope.* The Eccleſiaſtical Power conſider'd with regard to the Perſon over whom 'tis legally exercis'd, is variable, and may in many Caſes be retrench'd. Conſequently it may be ſaid, that the Papal Power may be chang'd and retrench'd by a natural Death, or by a civil Death, ſuch as Depoſition. For the Proof of this Principle, *Gerſon* takes a Quotation from his Treatiſe, wherein he had prov'd that the Pope may be cut off from the Church (1). ' The Eccleſiaſtical Power, conſider'd with regard to the ' Uſe and Exerciſe of it, is mutable and variable in ſeveral Reſpects. ' This Conſideration, together with the preceding ones, reſolves the ' Queſtion, Whether the Eccleſiaſtical Power is immediately of God, ' or mediately of Men? For if we conſider the Eccleſiaſtical ' Power in the firſt View, that is to ſay, abſolutely, it may be af- ' firm'd that it proceeds immediately from Jeſus Chriſt, and that it ' could not be inſtituted by any other. Tho' all Mankind were aſſem- ' bled, and Jeſus Chriſt ſeparated, they could not have eſtabliſh'd ſuch a ' Power over them, as might have been, and may ſtill be, eſtabliſh'd ' over them by the Emperors, Kings, Dukes, Counts and Barons, and ' this Power being once eſtabliſh'd by Jeſus Chriſt, they could not deſtroy ' it. But if the Eccleſiaſtical Power be conſider'd in the ſecond Light, ' that is to ſay, with regard to thoſe on whom it is conferr'd, 'tis ' very true that Jeſus Chriſt immediately conferr'd it on his Apo- ' ſtles and his Diſciples, and that he gave them the Uſe and Exerciſe ' of it. Nevertheleſs it muſt be allow'd, that the Succeſſors of St. ' *Peter* and the other Apoſtles were of human Eſtabliſhment, as by Con- ' ſecration, Election, or ſome other Inſtitution, without any Neceſſi- ' ty for recurring to Miracles or new Revelation; and that they re- ' ceiv'd the Uſe and Exerciſe thereof by human Means, as actually ' happen'd in the Time of the Apoſtles, as faſt as the Church multi- ' ply'd. CONSIDERATION the SEVENTH. The Eccle- ' ſiaſtical Power in its Fullneſs is formally in the Pope of *Rome*, as in ' its Subject. 'Tis admitted for the Proof of this Principle, that if any ' one be choſen Pope without being a Prieſt, he could not be ſtil'd the ' Sovereign Pontiff till he had been conſecrated Prieſt and Biſhop. ' For tho' his Election may give him ſome Juriſdiction, yet he would ' not have the Fullneſs of Eccleſiaſtical Power, as well of Order, as of ' either Juriſdiction, before he is conſecrated a Biſhop. Which ſhews

(1) An Account of it was given in the Hiſtory of the Council at *Piſa*, Part I. p. 307, 308.

that

1417. ‘ that the Civil Lawyers are miſtaken when they talk of the Full-
‘ neſs of the Pope's Power, and ſeem to underſtand nothing more by
‘ it than Juriſdiction. From whence this Abſurdity would follow
‘ that a Layman, and even a Woman, might be Pope, and have the
‘ Fullneſs of Eccleſiaſtical Power. But, according to the Inſtitution
‘ of Jeſus Chriſt, no Perſon can give or receive in the Church the
‘ Hierarchical Degrees, which are thoſe of purifying, illuminating and
‘ perfecting *(perficere)*, unleſs the Authority of the Chief of the
‘ Hierarchy, and of the Sovereign Monarch in the Church of God, in-
‘ tervene either really, or by Conſtruction. Conſequently the Fullneſs
‘ of Eccleſiaſtical Power, is the Power which Jeſus Chriſt conferr'd
‘ ſupernaturally *(ſupernaturaliter)* on St. *Peter*, as his chief Vicar and
‘ Monarch *(Vicario ſuo & Monarchæ primo)*, and on his legal Suc-
‘ ceſſors, to the End of the World, for the Edification of the Church,
‘ and for the Poſſeſſion of everlaſting Bliſs.' 'Tis not without good Reaſon that *Gerſon* makes uſe of the Word *ſupernaturally*. ‘ 'Tis,
‘ *ſays he*, to ſhew the Difference there is between the Power conferr'd
‘ on St. *Peter*, and the Powers and Juriſdictions, which might comport
‘ with his Succeſſors, according to the Civil and Political Laws of
‘ Man, or according to the Law of Nature, which requires that the
‘ Sovereign, in whatſoever Polity it happens, ſhall enjoy ſeveral
‘ Honours and Privileges above others, either by the Donation of
‘ Princes and others of the Laity, or by the favourable Conceſſion of
‘ general Councils. Several People, for want of Regard to this Di-
‘ ſtinction, have thought that what comports at this Time with the
‘ Sovereign Pontiff, is deriv'd to them by the primitive Inſtitution of
‘ Jeſus Chriſt, and by the divine unalterable Law, which is a Falſhood;
‘ becauſe the Caſe might happen where there would be a real and
‘ compleat Pope, who nevertheleſs would not have ſuch Privileges
‘ and Honours inconſiſtent with the Fullneſs of the Eccleſiaſtical
‘ Power, ſuch as Jeſus Chriſt conferr'd on St. *Peter*, and as no Man,
‘ except Jeſus Chriſt, not even the whole Church, can either con-
‘ fer or take away.

AFTER this, *Gerſon* makes ſome Reflections on the new Canon Law, which ſets the Pope above general Councils, and upon the Canon Lawyers, who pretend that the Pope is not included in the Regulations of general Councils, concerning Elections and Collations to Benefices, becauſe an Inferior has no Right to preſcribe to his Superior. Having premiſed thus much, he adds; ‘ Bleſſed be God,
‘ that by the Council of *Conſtance*, inlighten'd with the divine Law,
‘ he has deliver'd his Church from this pernicious and poiſonous
‘ Doctrine, becauſe if it had ſubſiſted longer, it would not have fail'd
‘ to have made the Schiſm perpetual. It has been declar'd and de-
‘ creed in the ſaid Council, that a general Council may be aſſembled

'without the Pope, and that in ſome Caſes the Pope may be try'd by 1417.
'the Council. Moreover, it has been therein decided, that a general
'Council has Authority to make Laws, and eſtabliſh Rules for
'moderating and regulating the Fullneſs of the Papal Power, not in
'itſelf, but in its Uſe and Exerciſe. For it is not to be imagin'd
'that the general Councils, in the making of Conſtitutions, have ſo
'far excepted the Papal Authority, as to give the Popes Toleration
'to violate thoſe Conſtitutions with an unbridled Licenſe, and for
'very trivial Cauſes. If therefore the Pope's Authority is excepted
'out of thoſe Conſtitutions, 'tis in Caſes of Neceſſity, and in thoſe
'where ſuch Exception ſeems of manifeſt Advantage: As for Inſtance,
'when a general Council cannot be aſſembled. It were proper alſo
'for this Council to declare in what Caſes the Pope's Authority is
'excepted, as well in the Conſtitutions already made, as in thoſe
'which are to be made hereafter.

CONSIDERATION the EIGHTH. 'The Fullneſs of the
'Eccleſiaſtical Power is in the Church, as in its End, which is the
'Edification of the Church; and, by virtue of ſuch Power, it may re-
'gulate the Uſe of it with regard to the Pope, either by itſelf, or by
'a general Council, which duly repreſents it. The Reaſon is, be-
'cauſe the Pope, in whom that Full Power reſides, as in its Subject,
'is liable to Sin and Error, by making Uſe of his Authority to the
'Deſtruction of the Church, as much as his College of Cardinals,
'becauſe they are not confirm'd in Grace and Faith.

CONSIDERATION the NINTH. 'The Eccleſiaſtical
'Power of the Pope has not ſuch Dominion over both Temporals and
'Spirituals, as to make him the arbitrary Diſpoſer of the Eſtates of
'the Clergy, altho' he may be granted to have a ſort of Dominion,
'which conſiſts in Direction (1).' *Gerſon* guards here againſt two Extremes, which People are apt to run into, on the one Hand, from a Principle of Envy, which depreſſes the Eccleſiaſtical Power ſo far, as to ſubject it to the Temporal Power; and on the other hand, from a Principle of Flattery, which raiſes the Eccleſiaſtical Power to an extraordinary Height, and ſets it, as it were, on a Par with the moſt High, by confounding the Prerogatives of both Powers (2). Tho' *Gerſon* does not Name either *Wickliff* or *John Hus*, 'tis plain that, by the firſt of thoſe Extremes, he had an Eye to both of them, becauſe they taught that the Clergy ought to have no Temporal Juriſdiction; that the Tenths and Offerings were mere Alms; that the Temporal Nobility may deprive the Clergy of their Eſtates when

(1) Quamvis concedi debeat quod habet in eis dominium quoddam regitivum, directivum, regulativum, & ordinativum.

(2) Altera ſuſtulebat in immenſum, ſolut ad ſimilitudinem Altiſſimi.

they

1417. they put them to a bad Uſe; that all the Clergy enjoy above what is neceſſary, belongs to the Poor, and that 'tis a Robbery and Sacrilege to detain it; that the Clergy ought to be reduc'd to the Poverty of the Apoſtles, and to live without Pomp and Superfluity. But *Gerſon* ſeems to be much more mov'd by the Extreme, to which ſome are carry'd in this Matter by Flattery. 'This, *ſays he*, is the 'Language with which artful Flattery commonly tickles the Ears of 'the Clergy, and eſpecially of the Pope. How great and ſublime is 'your Eccleſiaſtical Power, O ſacred Clergy! In Compariſon of yours, 'the Temporal Power is little or nothing. For as all Power was 'given to Jeſus Chriſt in Heaven and in Earth, ſo Jeſus Chriſt gave 'it to St. *Peter* and his Succeſſors. So that when *Conſtantine* made 'his Grant to *Sylveſter*, he gave him nothing of his own, and only 'reſtor'd what had been unjuſtly with-held. As there is no Power 'but of God, *Rom.* xiii. 1. ſo there is no worldly Power, whether 'Eccleſiaſtical, Imperial or Royal, but what cometh from the Pope 'on whoſe Thigh Jeſus Chriſt has written, King of Kings, and Lord 'of Lords, 1 *Tim.* vi. 15. 'Tis therefore a kind of Sacrilege to diſpute 'his Power, becauſe no Man can ſay to him, *Why doeſt thou thus?' May I be branded for a Lyar*, continues *Gerſon*, *if theſe Things are not to be found written by Perſons who pretend to be very wiſe and learned, and if there are not Popes who have believ'd it* (1).

*GERSON* agrees, however, that there is a ſort of Flattery not altogether ſo groſs and impudent, which, for the ſake of Probability, is ſometimes made uſe of to exalt the Pope's Supremacy. 'Tis not 'controverted, *ſays he*, that the ſecular Power has Poſſeſſions and 'Juriſdictions of their own, which the Pope cannot diſpoſe of at 'Pleaſure; and 'tis acknowledg'd, that *Conſtantine* and the other 'Princes have beſtow'd new Grants upon the Church. But 'tis af-'firm'd, at the ſame Time, that the Pope is Monarch of the 'Church; that he has receiv'd ſuch Power from Jeſus Chriſt imme-'diately, not only in Spirituals, but alſo in Temporals; and that the 'other Kings and Princes receive their Power from the Pope imme-'diately, and from God by means of the Pope. This ſupreme Au-'thority, and this Independence, with which the Pope is flatter'd, 'is ſo neceſſary, and ſo certainly eſtabliſh'd, that whoever dares to 'diſpute or oppoſe it, either in the Church, or without the Church, 'is liable to be proſecuted by the Sword of Excommunication, if they 'are Catholicks, and by the Temporal Sword if they are Infidels, 'to ſuch a Degree, that the latter may be ſubdued, and their Eſtates

(1) Here he applies theſe Verſes of *Juvenal* to the Pope's Deluſions.

*——— Nihil eſt quod credere de ſe*
*Non poſſit, cum laudatur Dîs æqua poteſtas.* Juv. Sat. IV. v. 70, 71.

'given to others.' *This*, says *Gerson*, *is what* Boniface VIII. *pretended in a certain Bull*; *and 'tis upon this Foundation that the Teutonic Knights have pretended to a Right of seizing the Lands and Revenues of the* Pagans (*a*). Mean Time, *Gerson* owns, that there are some Canon Lawyers who do not give so large an Extent to the Pope's Monarchical Power; and who say, that as before St. *Peter* there were lawful Empires among the Infidels, so since St. *Peter*'s Time there have been Empires which do not immediately hold their Power of the Pope, particularly the King of *France* (1), who acknowledges no Superiour upon Earth; yet those very Canon Lawyers extend the Pope's Empire and Dominion, over all the Dignities, Offices and Estates of the Clergy in such manner, that he may, at his Pleasure, transfer, appropriate or model them how he pleases, without Check or Control, the Pope not being liable to transgress in this Respect, nor to be guilty of Simony, because all is his. As for *Gerson* he steers a Medium betwixt these two Extremes. He is for having the Clergy's Title to their Possessions so secure, that the Lay Princes may not dispossess them without Injustice, and that they should live more commodiously and honourably than the Apostles, except the Monks, whose Lives ought to be more austere. As to the Pope and Cardinals, he does not dispute their having the Direction of the Revenues of the Church, nor their taking such a Part of them as is necessary for a handsome and decent Maintenance, but not to that Degree as to make the Head so big as to over-burden the Members, because if the Head or Eye were to have all, the Foot would have nothing. *This*, says *Gerson*, *has a View to the Collation of Benefices, the odious Multiplicity of Exemptions, the Reservations of Cases, Appeals to the Pope, as well in Prophane Causes as in Matters of Faith, which of Right appertain to the Ordinaries. The Ecclesiastical Power*, continues he, *ought to be kept within Bounds*; *and should always remember, that the secular Power, even among the Infidels, has its Prerogatives, which the Ecclesiastical Power cannot usurp.* In this, according to him, consists the Fullness of the Pope's Power, which he pretends to be much greater in the Catholick Church, or in a general Council, which represents it. *'Tis greater*, says he, *in the general Council by its Extent, by its Direction, which is infallible, by its Prerogative to reform the Manners of the Head and Members, by its Authority to restrain the Wicked, by its Capacity in the Decisions of Matters of Faith.* After this, he gives the following Definition of a general and oecumenical Council. 'A general Council, *says he*, is an Assembly, convoked 'in a certain Place by lawful Authority. It ought to be compos'd

1417.

(*a*) See above B III. Art. XXXVII, XXXVIII.

(1) N. B *Gerson* calls the King of *France* MOST CHRISTIAN, *Rex Francorum CHRISTIANISSIMUS.*

1417. 'of all the Hierarchical States of the Catholick Church, and no Believer, 'who desires Audience there, ought to be excluded from it. The 'View of such Council is to treat of and order every Thing which 'relates to the good Government of the Church in Faith and Man-'ners.' Then proceeding to an Explanation of the said Definition, he says, that regularly, according to the Decrees and Decretals, 'tis in the Pope's Breast to assemble the Council, but that however there are three Cases wherein a general Council may be legally assembled without the Pope. The first is, when he is dead, either naturally or in a civil and canonical Sense, by being deposed; when he is *non compos mentis*; or when by his being made Prisoner no Access can be had to him. The second Case is, when having been duly requir'd to assemble a Council, the Pope obstinately refuses it, to the Prejudice of the Church, especially when an Affair is depending which concerns himself. The third is, when a Council, lawfully assembled by a Pope, has resolv'd to assemble another at a certain Place, and at a certain Time, as at the End of every three Years, or every ten Years. If the Pope refuses to assemble it by such Time, it may be assembled without him. As to such who ought to be present at the Council, he divides the Hierarchical State of the Church into two Classes. In the first, he places the great Prelates, who, according to him, are the Successors of the Apostles, as the Bishops, the Archbishops, and all above them. The second Class is compos'd of the Prelates of the second Order, who, he pretends, are the Successors of the seventy two Disciples. These are the Curates, to whom he ascribes, according to the Common Law, and the Institution of Jesus Christ, three eminent Hierarchical Offices, *viz.* Purifying by Correction, instructing by their Doctrine and Preaching, and perfecting by the Administration of the Sacraments. Having said that no Believer, who desires to be heard, ought to be excluded from the Council, he distinguishes those who are capable of voting in such Assembly into two sorts. Of these, the one have only a Right to consult and to give their Opinion and Advice; the others to decide. The former are understood to be Persons experienc'd in the Matter before them, not excepting even Artificers; for Instance, when the Repair of Churches is the Thing in Hand, Architects must be consulted with. When the Point in Debate is any Question of Philosophy and Morality, as the Precepts of the Decalogue, the Laity ought to be consulted who are skill'd in Philosophy, the Laws and Ethicks, which is often attended with better Success than consulting of the Prelates, Curates, and even the Doctors of Divinity. *Gerson* here asserts it as Matter of Fact, that in the general Councils which were held against *Arius*, in the Time of *Athanasius*, a Papan Philosopher was interrogated on the Subject of the Trinity. As to those who have a decisive

deciſive Voice, he gives an indiſputable Right to the Biſhops and great Prelates, but he does not in the leaſt doubt that there ought to be joyn'd with them the Prelates of the ſecond Order, the Curates, all that are in any Hierarchical Degree, and that have Cure of Souls; as, ſeveral Abbats, Deans, Provoſts, or Preſidents of Collegiate Churches, *&c.* Upon this, he quotes a Deciſion of the Faculty of Divines at *Paris*, which had been lately publiſh'd, *againſt the Preſumption of thoſe who ſet the Privileg'd Clergy* (that is, the Monks) *above the Curates, in the Functions of Preaching and Confeſſion. The Gentlemen Curates* (ſays the Faculty of *Paris*) *are the Prelates of the ſecond Order, and, according to the primitive Inſtitution of Jeſus Chriſt, they are a Part of the Eccleſiaſtical Hierarchy. To them appertains the Right of Preaching, Confeſſing, Adminiſtring the Sacraments, Burying the Dead, Receiving the Tithes, and other Dues annex'd to Pariſhes. But the Caſe is not the ſame with the Mendicant Fryars, becauſe they have only this Privilege by the Permiſſion of the Prelates.* Thus have I inſerted the moſt important Articles of that Diſcourſe, which he pronounc'd on the 6th of *February*, 1417 (*a*). This was all that paſs'd after the Emperor's Return till the XXVIIth Seſſion, to which we are now to proceed. 1417.

(*a*) *V. d. Hardt*, T. IV. p. 1092, and T. VI.

SESSION TWENTY SEVEN

XI. THIS is the firſt that was held after the Return of the Emperor *Sigiſmond*, who was therein preſent. It has been obſerv'd, that *Frederick* of *Auſtria* had quitted *Conſtance*, the ſecond time, clandeſtinely. The Council had waited for *Sigiſmond*'s Return to execute the Monitory which had been reſolv'd upon againſt that Duke, becauſe the Emperor was perſonally concern'd in his Diſobedience. Therefore it was reſolv'd in this Seſſion to ſummon him again, in order to proceed againſt him to a Sentence of Outlawry. Five Commiſſioners were alſo then nominated, *viz. John Patriarch* of *Antioch*, *John de Dulmene* Biſhop of *Lubeck*, *Caſpard de Peruſa* Abbat, *Gonſalvo* Archdeacon of the Church of *Burgos*, and *Robert Apalton* a Prebendary of *York*, to judge of the Matters in Diſpute between *Lewis* of *Bavaria* of *Ingoldſtat*, Brother-in-Law to the King of *France*, and the Abbat and Fryars of a Monaſtery of *Ciſtertians*, in the Dioceſe of *Augsbourg*. The Abbat complain'd of a great many Acts of Violence and Outrage which the ſaid Duke had committed againſt his Monaſtery. The Council order'd the Commiſſioners to ſummon the Duke of *Bavaria* and his Adherents by a Monitory. Nothing elſe paſs'd in this Seſſion, except ſome Propoſals therein deliver'd for filling up vacant Churches or Abbeys, particularly the Biſhopricks of *Marni*, *Caſſano*, in the Kingdom of *Naples*, &c. *V. d. Hardt*, T. IV. p. 1093.

TWO Days after this, the Emperor gave the Inveſtiture of the Electorate of *Mentz* to *John de Naſſaw*, Archbiſhop of the ſaid Dioceſe. 'Tis proper to obſerve here, that, by Reaſon of his Epiſ-

1417. copal Character, he received the ſaid Inveſtiture in the Emperor's Palace, and not in publick, as the Temporal Princes do. The *Palatine* and *Saxon* Electors, together with *Frederick* Burgrave of *Nuremberg*, whom we ſhall ſoon ſee an Elector, aſſiſted at the Ceremony. For the Reaſon aforeſaid, the Archbiſhop did not kneel before the Emperor, as the Temporal Princes did on the like Occaſion, but only bent his Body when he receiv'd the Marks of his Dignity.

A Chapter of the *Benedictins*

XII. AT this Juncture, a Chapter of the *Benedictins* was aſſembled at *Peterſhauſen*. As I thought the Publick would be very glad to have an Account of ſo celebrated an Order, I have thereupon conſulted a Friend of mine, eminent as well for his Probity as for his extenſive Learning, and who could not but be thoroughly inform'd of what relates to the *Benedictins* (1). He did me the Favour to communicate the following Memoir to me.

THE Council of *Conſtance*, who had reſolv'd to procure the Reformation of all the Eſtates of Chriſtendom, thought it their Duty to reform the Monaſtick Order, which was at that Time in a State of very great Irregularity.

THE *Black Monks*, as the *Benedictins* are call'd by the Council, from the Name which is given them in the Canon Law, and even in the capitular Decrees of *Charlemain*, are the Remains of the ancient Monaſtick Order of the Weſt. They derive their Name of *Benedictins* from St. *Benedict*, Author of the Rule of which they boaſt to be Followers, tho', ſtrictly ſpeaking, 'tis follow'd in no Place, not even in the moſt reform'd Congregations.

*V Pagi, ad an.* DXLIV. n. xii.

St. *BENEDICT* liv'd in the ſixth Century, and, according to the moſt eſtabliſh'd Opinion, he died in the Year of our Lord DXLIV. The Monks of his Order pretend, that his Rule was immediately receiv'd in *France* and *Italy*, or rather in all the Provinces of the *Latin* Worſhip. Nevertheleſs, to ſpeak the Truth, this Opinion is far from being ſo well founded, as they fancy. The Monaſtick Life was eſtabliſh'd in the Weſt long before St. *Benedict*; and, not to mention a Crowd of Witneſſes and Authorities that might be produc'd, *Claudius Rutilius Numatianus*, a Pagan Author, who liv'd in the Beginning of the ſixth Century, complains of the Multitude of Fryars that ſwarm'd in ſome of the Iſlands of the Mediterranean Sea, particularly the famous *Capraria* (2). Every Body knows that the Iſle of *Lerina*, now call'd the Iſle of St. *Honore* near *Marſeilles*, was, in the Time of St. *Auguſtin*, inhabited by a great Number of Monks, of whom ſome were very learned.

(1) M. *V. La Croze*, the King of *Pruſſia*'s Librarian and Antiquary at *Berlin*.

(2) *Proceſſu Pelagi jam ſe Capraria tollit,*
*Squallet luciſugis Inſula plena Viris.*
*Ipſi ſe Monachos Graio cognomine dicunt*, &c. Itin. Rutil. *Lib.* I. *v.* 439, &c.

EVERY Abbat was then a living Rule to his Flock; and if any of them undertook to write a Regulation for the Behaviour of his Monks, he did not thereby pretend to prescribe Laws to the other Monasteries. This is what St. *Benedict* himself own'd in the last Chapter of his Rules (1), wherein he refers to the Monastick Institutions of *Cassien*, and to the Rules which are ascrib'd to St. *Basil*. 1417.

THO' such Monastick Rules were prodigiously multiply'd, yet as St. *Benedict*'s Institution had more Particulars than the rest, it establish'd itself by Degrees, and insensibly eclips'd all the others. We cannot exactly come at the Time when this happen'd, but there are certain Proofs, that in the Beginning of the ninth Century this Rule had acquir'd a great Authority in all the Countries that were of *Charlemain*'s Obedience (*a*). However, the other Rules did not entirely lose their Authority, not even after the capitular Decrees of the Emperor *Lewis le Debonnare*, which enjoyn'd all the Western Monks to submit to the Observation of the Rule of St. *Benedict* (*b*). The Superiority of this Rule did not so far derogate from the others, as to hinder them from being consulted when it was necessary. *Benedict* Abbat of *Aniane* made a sort of Digest, which he intituled the Code of Rules (2). 'Tis very probable that all the Abbats had the like Collections for the Conduct of their Inferiors, and that 'twas this in which then consisted the Code, or Monastick Canon Law.

(*a*) *Pagi Critic. in Annales Baronii ad an.* 802. n. 14.
(*b*) *Pagi Ann.* c. 817. n. 4, 5, 6.

As it was impossible but those Monastick Laws, collected from all Quarters, should sometimes contradict one another, the aforesaid Abbat of *Aniane* did in this respect what *Gratian* did afterwards with regard to the Canon Law: He wrote another Book, wherein he made a Comparison between all the ancient Rules and that of St. *Benedict*, and gave it the Title of the *Harmony of Rules* (3), just as *Gratian* intituled his famous Collection of the Decrees, the *Harmony of the Canons* (4).

SUCH therefore was the Monastick Code in the West till the Time of *Lewis le Debonnaire*, and later. St. *Benedict*'s Rule prevail'd only by Degrees, partly by the Authority of the Princes and Prelates, and partly because Experience shew'd, that as it was the clearest of all the other Orders, so it was the most adapted to human

(1) Reg. Benedict. c. 73. Cæterum ad perfectionem conversationis qui festinant, sunt Doctrinæ Sanctorum Patrum,—necnon & Collationes Patrum, & Instituta & Vitæ eorum, sed & regula Sancti Patris nostri Basilii, &c.

(2) *Codex Regularum*; *Duke* of *Holstein* has brought this Work to Light out of an ancient MS. It was printed at *Paris* in 4to. 1663. *See* Pagi ad Ann. 819. n. VI.

(3) Concordia Regularum, *printed at* Paris, *in* 4 o. *in* 1638.

(4) Concordia discordantium Canonum, *i. e. The Harmony of jarring Canons.*

Frailty,

1417. Frailty, according to the Encomium beſtow'd upon it by *Gregory* the Great, or the Author of the Dialogues (1), to him aſcrib'd.

THE true Origin therefore of the *Benedictins* muſt be plac'd in the ninth Century. It was not thought improper to give a brief Account in this Place of all the moſt probable Circumſtances relating to the firſt Beginnings of this celebrated Order, becauſe of the many great Men that have ſprung from it, to whom the World is oblig'd for the Preſervation of the greateſt Part of the Remains of the ancient Monuments of the *Latin* Tongue. What with the Simplicity of the People, and the Liberality of the Princes, this Order grew richer than can be imagin'd. The preſent Age may eaſily be convinc'd of this by what ſtill remains to the Order, after having loſt ſuch a Number of Benefices, as well by their being *ſecularis'd*, as by the Avarice of the new Comers, ſome of whom ſeem to have made a Vow of Poverty, for no other Reaſon but to have a Pretext for inriching themſelves with the Spoils of the ancient Monaſtick Order.

RICHES had the ſame Effect in thoſe Perſons who made a Profeſſion of being dead to the World, as they generally produce among other Men in Life, who do not pretend to ſo much Regularity. Their diſorderly Lives gave Occaſion to ſeveral Reformations, particularly thoſe of *Cluni* and the *Ciſtertians*; but in Time thoſe Reformations were ſo corrupted, that the Monaſtick Life grew into lamentable Contempt and Decay, the Ignorance of the Monks being as groſs as their Corruption was, which is the common Caſe of all the Societies. To redreſs theſe Diſorders therefore as much as poſſible, the Council ſummon'd a Provincial Chapter of the Dioceſes of *Mentz* and *Bamberg* to meet at the Abbey of *Peterſhauſen*, near the Bridge of *Conſtance*. It appears by the Tenor of the Decree, which was dated the 18th of *February*, 1416, and directed to the Black Monks of the *German* Nation, that the Fathers of the Council had only the *German* Monks in View at firſt, either becauſe they had more need of a Reformation than others, or becauſe that being nearer at Hand than the others, it was thought fit to begin with them, to the end that the other Monks of the ſame Order might afterwards be induced, by their Example, to embrace a kind of Life that was more edifying and more conformable to their Rule.

*Reichental, ap. V. d. Har. T. I. p. 1092. & IV. 1103.*

THE Provincial Chapter was celebrated according to the Decree of the Council, and began the 28th of *February*, 1417, by a Proceſſion of thirty ſix Abbats, twenty two Priors, and three hundred and ſeventy three *Benedictin* Monks. The firſt Thing they did was to elect Preſidents of the Aſſembly, as the Council had order'd in the

(1) Dialogorum, L. II. c. 36 Scripſit Monachorum Regulam, diſcretione præcipuam, Sermone luculentam.

Decree for calling them. Theſe Preſidents were *Lewis* Abbat of *Tournus* in the Dioceſe of *Chalons*, *Thomas* Abbat of *York* in *England*, *Sifroi* Abbat of *Elwang* in the Dioceſe of *Augsbourg*, and *John* Abbat of (1) St. *George* in the Dioceſe of *Conſtance*. To enlarge in this Place upon the Regulations that were eſtabliſh'd in this Aſſembly, would be as tedious as impertinent. The whole conſiſted of Monaſtick Cuſtoms, which are of no Importance nor Edification, and which, at this Day moreover are out of Faſhion, the Face of Things being very much alter'd ſince that Time. One Remark may be ſufficient to ſhew upon what footing the Abbats and Monks of the Order of St. *Benedict* then ſtood in *Germany*. The Provincial Chapter made a Rule, that the Monaſteries and Abbeys of the Order ſhall have Abbats for their Viſitors, who, after their Viſitation, ſhall make their Report to the next Provincial Chapter, and *none of thoſe Abbats*, ſays the Aſſembly at *Peterſhauſen*, *ſhall carry with him above twelve Horſes:* A Regulation which ſhews, that by re-eſtabliſhing the little Rules of a Monaſtick Life, they did not pretend to ſtrike at the Pomp and State of the Prelates of the Order, tho' perhaps 'twas this that had moſt Need of Reformation. 1417. *V. d. Hardt T.* I. p. 1101

BUT the Emperor *Sigiſmond* ratify'd the Decrees and Regulations of this Aſſembly by an Act, diſpatch'd at *Conſtance* in the Month of *February*, 1418. The Reformation, which the Provincial Chapter at *Peterſhauſen* ſet about by the Authority of the Council, would have produced no Effect, if an honeſt Monk, of the Abbey of *Rheinſhauſen* in the Dioceſe of *Mentz*, had not been inſpir'd with ſo much Zeal as to undertake, by himſelf, that which the Prelates of the Order ſeem'd to do but very indifferently and careleſly. This Monk, whoſe Name was *John*, addreſs'd himſelf to *Otho* Duke of *Brunſwick* and his Ducheſs, who was Siſter to the Landgrave of *Thuringen*, and a Princeſs of great Piety, if we may believe the Report of the Abbat *Trithemius*. At the Time that this Monk was ſolliciting the Duke and Ducheſs to co-operate with him for the Re eſtabliſhment of the Monaſtick Order in *Germany*, the Abbey of *Cluſen*, in the Dioceſe of *Hildeſheim*, became vacant, by the Death of a Prelate who was in the Poſſeſſion of it, and, at the Interceſſion of the Ducheſs, this Monk, ſo zealous for Reformation, was preferr'd to it. He immediately began to eſtabliſh his Rules there, conformably to the View of the Chapter and Council; but the Fryars of this Abbey being accuſtom'd to a licentious Life, abandon'd him all to a Man, and left him by himſelf in his Abbey, to live according to the Laws he there deſign'd to eſtabliſh. This Difficulty did not daunt our Reformer, *V. d. Hardt T.* I. p. 1111, 1112.

(1) Thus it ought to be read, according to *Trithemius Chron. Hirſaug*, Tom. II. p. 348.

for,

1417. for, with the Duke of *Brunſwick*'s Permiſſion, he found Means to transfer himſelf, at the Head of ſome obedient Monks, to a ruin'd Abbey, call'd St. *Thomas de Burſfeld*, in the Dioceſe of *Mentz*, from whence his Reformation ſpread by Degrees over all *Germany*, where it is to this Day kept in great Monaſteries.

THIS ſhort Detail was in ſome ſort neceſſary to ſhew what were the Effects of the Decrees of the Council of *Conſtance* with Regard to the Monaſtick State; and I thought it the more proper to mark the Beginnings of the Rule which was eſtabliſh'd in the Congregation of *Burſfeld*, becauſe it may be affirm'd, that for theſe two Centuries paſt this ſame Congregation has ſerv'd as the Model of two others, which are become famous in the World; I mean the Congregation of St. *Vannes* in *Lorrain*, and that of St. *Maur* in *France*.

Feb 28 IT muſt be about this Time that a Sermon was preach'd upon theſe Words, *Behold, now is the Day of Salvation*, with a View to haſten the Work of Reformation. If we may take the Preacher's Word for it, who is not nam'd, the Council chiefly conſiſted of Libertines and Hypocrites. 'Abundance of Paper, *ſays he*, is ſtain'd 'with Projects for a Reformation, but none are admitted, and there's 'ſcarce a Man in this Council that is reclaim'd. There are many 'Phariſees among them who lay heavy Burdens upon Mens Shoulders, 'but they themſelves will not move them with one of their Fingers. 'Among the common People, there are ſome indeed who make edi-'fying Reſtitutions, or give the Poor an Equivalent of what they have 'robb'd, but as for the Clergy, they never make Reſtoration.' He ſays, that the Sins of Avarice and Simony are ſo general, that they have infected all the Members of the Church from Head to Foot, except a very ſmall Number, *who have not yet taken the Mark of the Beaſt*. The Sermon concludes with a long and pompous Panegyrick upon the Emperor, than which we ſhall ſcarce find one more extravagant.

SESSION TWENTY EIGHTH. *March* 3. *V. d. Har T. IV. p.* 1103. XIII. THERE was no memorable Tranſaction from the XXVIIth to the XXVIIIth Seſſion. The firſt Affair which was brought upon the Stage in this Seſſion was that of the Duke of *Auſtria*. It had been reſolv'd, in the preceding Seſſion, to ſummon him once more before the Execution of the Monitory which was decreed againſt him on the 20th of *February*. They declar'd therefore in this Seſſion, that the Citation having been made, and the Duke not having appear'd, he was a Rebel, and perjur'd, and as ſuch, depriv'd of all Honour and Dignity, and incapable of enjoying any, either he or his Deſcendants to the ſecond Generation, as well as his Adherents, and deliver'd over to the Emperor's Juſtice. As to his Excommunication, the Biſhop of *Traw* in *Dalmatia* was nominated to put it in Execution.

*V. d. Har ubi ſup.* p. 1123.

THE

THE *Arragoneſe* ſtarted a Difficulty by Reaſon of this Sentence. After *John* XXIII. was depos'd, and *Gregory* XII. reſign'd, the Council us'd to put in the Date of their Decrees theſe Words, *The Apoſtolical See being vacant.* This Clauſe, one would have thought, ſhould have been admitted, by general Conſent, after the whole Obedience of *Benedict* XIII. had abandon'd him, but eſpecially that it would not have met with Oppoſition from the *Arragoneſe*, becauſe they had been ſolemnly united to the Council on the 15th of *October*, 1416, and in the XXIVth Seſſion, which was held the 28th of *November*, the ſame Year, this Clauſe is formally inſerted in the Bull againſt *Benedict* XIII. without being oppos'd by the *Arragoneſe* that were preſent, at leaſt as far as appears by the Acts. The ſame Clauſe appears alſo in the laſt Citation, which was decreed againſt the Duke of *Auſtria*, on the 20th of *February*, 1417. Mean time, the Acts of *Brunſwick* and *Leipſick* tell us, that in this XXVIIIth Seſſion one of the Ambaſſadors of the King of *Arragon* proteſted againſt this Clauſe, becauſe, ſaid he, the Apoſtolical See was not yet deem'd to be vacant. Tis true, that *Benedict* was not yet depos'd; but as the *Spaniards* had renounc'd his Obedience, and as they had united to the Council for the Election of a new Pope, this Difficulty can only be imputed to ſome ſecret Diſguſt: Nevertheleſs, after having made this Proteſtation, they approv'd of the Sentence. 1417.

*V. d. Hardt*, T. IV. p. 446, 520, 779, 884.

*V. d. Hardt*, T. IV. p. 995.

*V. d. Hardt*, *ubi ſup.* p. 1188.

BUT this was not the only Difficulty that aroſe in the preſent Seſſion. The *Engliſh* had hitherto made a Nation in Council: But after the *Spaniards* were united, the latter challeng'd the ſame Right, and diſputed it with the *Engliſh*. The Affair was huſh'd at firſt by the Mediation of the Elector *Palatin*; but in this Seſſion it was reviv'd by the *French*, who had already ſpoke of it, to no purpoſe, in a certain Aſſembly of the Nations, as appears by their Memorial. The Glory of the *French* Nation, and the Intereſt of all the other Nations, was the Pretext for ſtarting ſo unſeaſonable an Incident. But 'tis highly probable that the Miſunderſtanding and the War, which at that Time flam'd out more than ever betwixt *France* and *England*, was the true Cauſe of it. The *French*, perhaps too, were puſh'd upon it by the *Italians*, who did not care to have the Number of the Nations increaſed, that they might have the fewer Votes to gain in Favour of the next Pope; and by the *Spaniards*, who had before made a Clamour upon that Head. Be this as it will, *John de Campagne*, one of the Proctors for the King of *France*, had ſcarce begun to read his Proteſt againſt the Right claim'd by the *Engliſh* to make a Nation in the Council; but a general Murmur aroſe on a ſudden againſt the ſaid Proteſt, as a Piece of unjuſt and ſeditious Chicanery. The Affair grew warm, and ſo many diſobliging and injurious Things were ſaid on both Sides, that the Proctor was not able to

*V. d. Hardt*, T. VI. p. 58.

1417. proceed, and therefore contented himself with making his Protest *viva voce*, and demanding a Record of it. But the Emperor foreseeing the fatal Consequences with which this Affair would be attended, with Regard to the Council and the Union of the Church, made a Representation, by one of his Proctors, that the Procedure of the *French* Ambassadors was unprecedented, and that till then nothing had been read in the Council, but by the Consent of the Nations, and by Order of the Council itself, which, on this Occasion, was neglected. Afterwards the Emperor himself desir'd Advice in quality of Advocate of the Council and the Church, to hinder their Proceeding with that high Hand for the future, representing, that as he himself was not willing to undertake any thing without the Agreement of the Assembly, every Body else ought to be subject to the same Decorum.

The Tryal between the *French* and the *English*. *V. d. Hardt*, T. II. p. 53.

XIV. THIS being a Matter of Importance and Singularity, the Reader perhaps will not be displeased to see the Arguments brought by the *French*, and the Defence made by the *English*. Sir *Robert Wingfield*, Ambassador from the King of *England* to the Emperor *Maximilian*, met with the Briefs of this Tryal among the MSS. of *Constance*, at the Beginning of the XVIth Century, and caus'd them to be printed at *Louvain* in 1517, but they were all full of Errors. M. *Von der Hardt*, having had the good Luck to meet with a more correct Copy among the MSS. of *Leipsick*, has communicated it to the Publick in the fifth Volume of his Collection, and from that Copy the following is an Extract.

THE *French* begin with the Declaration usual upon the like Occasions, that they have no other Intention than the Welfare and Union of the Church, the happy Progress of the Council, the Advantage of Christendom, and the Interest of the Kingdom of *France*, without the least View to disoblige *England*, or its Ambassadors. Then they say, that the Point in Question is not to know in general whether the *English* make a particular Nation, or Kingdom, which they don't dispute, because they even grant those Titles of Nation and Kingdom to people who have no King that is properly their own; but that what they mean is only, that the *English* cannot make a Nation in the Council, nor have the same Voice and Authority there as a fourth or fifth Part of Christendom, and which may be equivalent to the Voice and Authority of all *Italy*, or all *France*, or all *Spain*, or all *Germany*, because these four Nations contain Kingdoms and Nations, each of which can equal *England*.

In 1356.

TO support this Pretension, they quote the Authority of *Benedict* XII. who divided the Pope's Obedience into four Nations, and in that Division reckon'd *England* with *Germany*. They add, that upon another Occasion, the same Pope being to make a Distribution of Christen-

Chriſtendom, for the Celebration of the Chapters of the *Benedictins*, he divided it into Thirty ſix Provinces, and that in this Diviſion he allow'd ſix Provinces to *France*, and but two to *England*, viz. *York* and *Canterbury*; a Diviſion which, ſay they, muſt be the more unexceptionable, becauſe *Benedict*, being of *Bourdeaux*, and conſequently a Subject of the King of *England*, it was natural that he ſhould favour that Kingdom. From whence 'tis clear, ſays the Memorial, that there is no Juſtice in ſetting *England* upon a Par with *France*, becauſe the Latter, by far, ſurpaſſes the other in the Number of its Provinces, Cathedrals, Biſhopricks and Archbiſhopricks, Univerſities, and all other Characters which diſtinguiſh a Nation. They agree, that *England* had hitherto made a fourth Nation, or Part of Chriſtendom in the Council; but at the ſame time they affirm, that it was only *pro tempore*, and by Indulgence, in order to make up the number of Four, according to the Diſtribution of the Canon Law, till the *Spaniſh* Nation was joined to the Council, and made the fourth Nation, which Union being accompliſhed, reduced *England* to its former Subordination or rather Connection with the *German* Nation, becauſe otherwiſe there would be five Nations, contrary to the Diſtribution of *Benedict* XII. and contrary to that of the Council at its Beginning, as well as contrary to Juſtice, which does not permit ſo ſmall a Part of Chriſtendom as *England* is, to have a Voice equal to *France*, and much leſs to *Germany*, *Italy* and *Spain*. They obſerve moreover, that the Privilege of having a fifth Voice in the Council, had not been granted to any Kingdom, in Quality of a Kingdom, any more than to the Emperor, or to the College of Cardinals; and that if *England* perſiſted in requiring a ſeparate Voice, the other Nations might likewiſe demand to be divided into ſeveral Nations, each of which would equal the *Engliſh* Nation. From hence they argued for one of theſe three Concluſions, either that *England* ſhould renounce her Pretenſion to make a ſeparate Nation, or that each of the three other Nations might be ſubdivided into ſeveral others, proportioned to the *Engliſh* Nation; or that finally, the Council might give their Opinions no longer by Nations, but, according to cuſtom, by Perſons. 1417.

AFTER this Proteſtation they declare, that they don't thereby intend to derogate from any Deciſion of the Council, or to hinder the Continuation of it; and that in caſe the Fathers don't think fit to determine this Queſtion, they Appeal to the next Pope, to the end that his Judgment may ſerve as a Rule upon this Head, to all other Councils. The *Engliſh* not being ready, at this Time, to aſſert, or defend their Rights, Things remained in the ſame State, with regard to this Affair.

1417. XV. THE Council had ſent two *Benedictins* to *Peniſcola* (1); the one a *German*, named *Lambert de Stok* (*a*); the other a *Frenchman*, named *Bernard de la Planche*, to carry *Benedict* his Citation. On the ſeventh of *March*, the Letter was read which they had wrote to the Cardinal *de Viviers*, giving an Account of their Commiſſion. As it abſolutely contains the very ſame Things with that which thoſe two Monks had written to the Archbiſhop of *Riga*, it will be ſufficient to refer to it (*b*). In that Letter we have ſeen the tedious Harangue he made before he return'd his peremptory Anſwer in Form, which he gave in two Days after. As the ſame is of a prodigious Length, and as beſides it contains nothing more than what he had ſaid the firſt Time, we ſhall content our ſelves with giving the principal Articles of it, by way of Recapitulation. 1. He declares, that by giving in this Anſwer, he is ſo far from acknowledging the Aſſembly of *Conſtance* for a General Council, that (*c*) on the contrary, he makes null and void all that has been or may be tranſacted by the ſaid Aſſembly, as having been tranſacted by Perſons not legally authoriſed, becauſe a Council can only be aſſembled by order of the Pope; and that he himſelf has already call'd one at *Perpignan*. In the ſecond Place, as to what is imported in the Citation, that *John* XXIII. having on the one hand acquieſced in his being depos'd, and *Gregory* having, on the other hand, voluntarily reſign'd, *Benedict* XIII. was only accountable for the Guilt, and the Remedy of the preſent Schiſm; he aſſerts, that as he had all along propos'd reaſonable Meaſures for reſtoring Peace to the Church, from the beginning of his Pontificate to the preſent Time, the Charge of Schiſm reverted upon thoſe who had rejected, and ſtill continue to reject thoſe Offers. 3. As to the Promiſes, which it was ſuppos'd he had made more than once, to reſign, as a Method the moſt eaſy, and the moſt proper for putting an end to the Schiſm; he offers ſeveral things in Anſwer. He ſays, for inſtance, that in Fact he never rejected the Method of Reſignation; but that he never declared it to be a more eaſy Method to put in Practice than others which had been practiſed by the Holy Fathers upon the like Occaſions, and that he never promiſed to purſue this Method excluſive of thoſe other Meaſures, but only in caſe they could not ſucceed. That however he would have actually put it in Practice, if he had not been hindered from following this good Motion by a Thouſand Acts of Violence, ſuch as the ſtopping him at *Perpignan*, and depoſing him at *Piſa*; and that, in fine, he could not be accuſed of Perjury, becauſe he had only promis'd to make uſe of this Method, ſo far as it might give Peace to the Church, which he did not believe it would be capable of procuring. 4. As to the

Letter from the Ambaſſadors of the Council of *Arragon*.

(*a*) *Lambertus de St pite. March* 7.

(*b*) Page 4. of this V II.

(*c*) *V d. Har. T.* IV. p. 1162.

(1) Two *Benedictins* were made Choice of, no doubt, to do a Pleaſure to *Peter de Luna*, who took the Name of *Benedict*.

Charge

Charge againſt him, of having obſtinately refus'd, in the laſt Place, to hearken to the repeated Inſtances of the Emperor, the Kings of *France* and *England*, and the Princes of his Obedience, and of retiring to *Peniſcola* to evade their juſt Solicitations, he anſwers, by way of Recrimination, that theſe very Princes are the Men who have had no regard to his juſt Remonſtrances, and who by their Obſtinacy to reject his Offers, oblig'd him to withdraw from a Place where he did not think himſelf ſafe, for Reaſons which he does not think fit to expreſs. Then he gives a long Account, all in his own Favour, of the ſeveral Methods which he propos'd at *Perpignan*, at *Collioure*, and at *Peniſcola*, that pretended inacceſſible Fort, where he affirms, that they made whatever Propoſitions to him they pleas'd. 5. That if he was oblig'd to go any where by a Council, not of his own calling, it ſhould not be at *Conſtance*, becauſe 'tis too far diſtant for him to undertake ſuch a Journey at his Age; that in that Caſe he ſhould be forc'd to paſs thro' his Enemies Territories; and that beſides, the City of *Conſtance* being at the Devotion of the Emperor, of whom he has a Suſpicion, for Reaſons which no Body can be ignorant of, he could not expect to be ſafe there. He concluded with Proteſtations againſt the Charge of Hereſy alledg'd againſt him in the Citation, as downright Calumny, and by declaring all the Members of the Council themſelves Hereticks, Favourers of Schiſm and Hereſy, and as ſuch liable to all the Penalties denounc'd in this Caſe by him and his Predeceſſors. The Deputies, not being able to get any other Anſwer from *Benedict*, went to *Tortoſa*, to wait on the King of *Arragon*, in order to concert Meaſures with him againſt this inflexible old Gentleman. From thence they return'd to *Conſtance*, and paſſing thro' *Avignon*, where *Benedict* had ſtill ſome Remains of a Court, they deſir'd his Chamberlain to ſend an Apoſtolical Curſitor to them, to acquaint them of his Maſter's final Reſolution. But this Pope was not in the leaſt diſpos'd to eat his Words. He had even already ſent the Biſhop of *Grenoble* to *Conſtance*, as he ſaid, to make Propoſitions of Peace, but, as the Deputies of the Council pretended, to ſow Diviſion. Therefore the Deputies concluded their Letter with a Repreſentation that there was no Time to be loſt, and that it was abſolutely neceſſary to proceed forthwith to the depoſing of *Benedict*. *'Tis thought*, ſay they, *that he is protected by the King of* Arragon, *that he is in an impregnable Fort, and that he has Soldiers who will dye in his Defence. But*, continue they, *whatever the King does fit, there won't be a Soul left at* Peniſcola: *Therefore the depoſing him from the Pontificate, as he has ſo richly deſerv'd, can admit of no longer Delay* (1). In purſuance of this Letter, Preparations were made for

1417.

(1) The Letter is dated *Jan.* 22. from *Tortoſa*, as that was which they wrote to the Archbiſhop of *Riga*; but it was not ſo ſoon, becauſe they ſpeak in it of their Paſſage thro' *Avignon*.

the

1417. the deposing of *Benedict*, as we shall find in the XXIXth Session, which was held next Day.

SESSION TWENTY NINTH. *March* 8. *V. d. Hardt*, T. IV. p. 1128, 1129.

XVI. THE Cardinal of *Ostia* presided at this Session as usual, and *Nicholas* Bishop of *Acqus* in *Gascogn.* celebrated the Mass. The Proctors, by the Mouth of *Stephen Coevret* Bishop of *Dole*, made their Report of every Thing that had been transacted with regard to *Benedict* XIII. and demanded that he might be declar'd an Outlaw, because the Term which had been granted for his Appearance was expir'd (1), and he had not appear'd. Upon this Motion, the Council deputed two Cardinals, two Bishops, two Prothonotaries, several Notaries and Scriveners, with an Apostolical Curritor, to make Proclamation three times for *Benedict* XIII. or some Person on his Behalf, at the Gates of the great Church, according to the usual Form, and as had been practis'd with regard to *John* XXIII. (2). This being executed, it was order'd to be certify'd upon Record, and every Member separated, the reading of the several Processes against *Benedict*, and the other Formalities, having taken up all the Time set apart for the publick Sessions.

THE Bull of Citation consisted of these Heads. 1. There is a tragical Description of the fatal Consequences of the Schism. 'The 'Church, *says the Bull*, is altogether disfigur'd with regard to Life 'and Manners, with regard to the Ecclesiastical State, which has 'degenerated from its Sanctity, with regard to the Ecclesiastical Li'berties, what is still worse, with regard to the Divine Worship 'and Offices; and finally, what is still more deplorable than all, with 'regard to Religion and the Christian Faith. Since this pernicious 'Schism, abominable Heresies have arisen in divers Countries; and 'if Provision be not speedily made for the Election of a Sovereign 'Pontiff, who may be unexceptionable, in order to remedy those Evils 'and those Dangers which the Church is expos'd to, 'tis to be fear'd 'that she will lose all her Beauty, of which she has already lost the 'greatest Part, and that she will become the Reproach and Scandal 'of all the Nations in the World.' 2. 'Tis therein set forth, that *Benedict* XIII. so call'd in his Obedience, had been oblig'd for twenty two Years to hazard his Life for extinguishing a Schism, which had already lasted sixteen Years, when he was rais'd from the Dignity of Cardinal to be a Pope; and that this even was, and is still, in his Power, especially considering that *John* XXIII. so call'd in his Obedience, was dispossess'd of the Papal Dignity, by being deposed canonically, as well as by his Renunciation; and that *Gregory* XII,

(1) He had been cited on the 28th of *November* to make his Appearance within fourteen Weeks and two Days.

(2) The Cardinals were *Lucido de Comitibus* and *Francis Zabarella*. The Bishops were those of *Veletri* and *Mersbourg*.

so

ſo call'd in his Obedience, has voluntarily reſign'd. So that *Benedict* being the only Perſon that pretends to be Pope, 'tis incumbent on him alone to put an End to the Schiſm. They add, that he is the more oblig'd to it, becauſe while he was a Cardinal he commended and approv'd the Method of the mutual Reſignation of the Competitors, as the moſt uſeful, and the moſt eaſy; and ſolemnly ſwore, together with the other Cardinals of his Obedience, when there was a Neceſſity of proceeding to the Election of a Pope, that if that Election fell upon him, he would ſincerely, and without delay, promote the Union of the Church by all the moſt proper Meaſures, not excepting even that of his Reſignation, if his Cardinals, or the Majority of them, ſhould think it expedient. He ſwore the ſame Thing after his Election; and even all his Cardinals, except one, adviſ'd a mutual Reſignation, as he had propos'd it. 3. The Bull ſets forth, that the King of *France* had ſent a ſolemn Embaſſy to *Benedict*, *viz.* the Dukes of *Berry* and *Burgundy* his Uncles, the Duke of *Orleans* his Brother, and ſeveral others, with ſuch of the Cardinals as were well inclin'd to Peace. That moreover the Kings of *England* and *Caſtille*, and *Wenceſlaus* King of *Bohemia*, at that Time King of the *Romans*, had ſent Ambaſſadors to him with the ſame View, becauſe the Method of Reſignation was univerſally approv'd by all Chriſtians, and eſpecially the Princes, Prelates, Univerſities, and a great many learned Men of all the Obediences. 4. That after the Depoſing and Abdication of *Gregory*, *Benedict* had been humbly intreated to perform his repeated Oaths by *Sigiſmond* King of the *Romans*, who went to wait upon him in Perſon, by *Ferdinand* King of *Arragon*, of glorious Memory, and by many other Princes and Lords of his Obedience, as well as by the Ambaſſadors of the Kings of *France*, *England*, *Caſtille*, *Navarre*, and finally by the Council of *Conſtance*. 5. That notwithſtanding all thoſe Inſtances, and *Benedict*'s ſolemn Engagements, he remain'd inflexible; and that having quitted *Perpignan*, to which the Kings, Princes and Ambaſſadors aforeſaid repair'd, he retir'd with his Troops to the Gates of *Collioure*, where he had his Galleys well arm'd; that there he was again deſir'd, by the Ambaſſadors of the ſaid Kings, to reſign, but to no purpoſe; that at laſt he ſhut himſelf up at *Peniſcola*, in an impregnable Fort, which is not eaſily acceſſible; that nevertheleſs he had been again requir'd ſeveral times to put an End to the Schiſm by his Reſignation, but that, to the great Scandal of the whole Church, he had obſtinately refus'd it. 6. The Bull infers from all theſe Facts, that *Benedict* being to be deem'd as an Abettor of the preſent Schiſm, and as a notorious Schiſmatick and Heretick, ought to be cited once more by a publick Edict, and by an Act *ex abundanti*; and that this Citation ought to be ſet up at the Gates of the Cathedral Churches of *Conſtance*, at *Peniſcola* itſelf, if there is any Entrance poſſible, if not,

1417.

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1417. at the Gates of the Church of *Tortosa*, and all the neighbouring Churches. The Bull concludes by conjuring all Kings, Princes, Temporal Lords, and particularly *Alphonso* King of *Arragon*, in the Name of Jesus Christ, to assist and favour the Council with all their Power in the Execution of this Decree (*a*).

(*a*) *V. d. Har T. IV. p.* 1132, &c.

The Arrival of the Council's Deputies from *Arragon*.

XVII. THE two *Benedictin* Deputies, who had been sent to summon *Benedict*, arriv'd at *Constance* next Day after this Session, very much dissatisfy'd with *Benedict* XIII. Tho' they were very circumstantial in their Letter to the Council, they reported several other Particulars, by Word of Mouth, concerning the Obstinacy of *Peter de Luna*. In the Conference at *Peniscola* betwixt the Deputies of the Council and *Benedict*, there was a good Jest crack'd, which deserves a Place here. *Benedict* seeing the Black Monks coming in, said to those that were about him, *Let us hear the Ravens of the Council. No wonder*, said they, *that Ravens come where there's a Carcase* (*b*). In the next Session we shall see the Preparations that were made for this Civil Death.

(*b*) *Spond. Ann* 1417. Numb. II. ex Pog. Facet, Fol. XI. & *V. d. Hardt, ubi sup.* p. 1145.

SESSION THIRTY *March* 1 *V. d. Hardt*, T. IV. p. 1140.

XVIII. THE Emperor was present, the Cardinal of *Ostia* presided at it, and the Bishop of *Ce'aledi* in *Sicily* celebrated Mass. The Deputies therein gave an Account of their Negotiation, and that was all they could then do by Reason of the Length of the Pieces they were oblig'd to read. *Bernard de la Planche* began with a Discourse, which he preach'd from these Words, in *Psal.* ii. *Be wise now therefore, O ye Kings; be instructed, ye Judges of the Earth.* After this, he reported every Thing that pass'd at *Peniscola*, between them and *Benedict*, read the Sentence of Citation, and the Answer which *Benedict* return'd to it, both by Word of Mouth and Writing. Though we have given it at large, yet there are some other Particulars which are worthy of Remark.

IN the first Place, *Benedict* protested in his Answer, that whatsoever he had done or said, and might do or say for the future, in what Form and Manner soever, he did not intend any Approbation of the Congregation at *Constance*, nor its pretended Citation, because it proceeded from Notaries who had no lawful Power; that on the contrary he annull'd the said Citation, and all that this Assembly might do or say against the Church of *Rome*. 2. As the Bull of Citation began with these Words, *The holy Mother Church cryeth, all Christian People cry*; *Benedict* made Answer that the Church, which he pretended was with him, and no where else, not only *cryeth* but *groaneth* to see herself toss'd on the Waves, as a Ship in a Storm, by some Persons without a Head, like Members separated from the Body, under the Protection of their vast Multitude, and, under the Pretext of a general Council. 3. The Bull of Citation having imported that he was requir'd to resign by the King of *Bohemia*, he flatly denies it,

and

and affirms, on the contrary, that the ſaid King had diſſuaded him from it. 4. That having propoſed ſeveral Methods, as particularly a Courſe of Juſtice and Examination of Rights, and even that of Reſignation, he cannot be reckon'd a Schiſmatick nor a Heretick, but that, on the contrary, they ought to be deem'd ſuch who had refus'd the Overtures he had made at *Perpignan*. 5. That as to his Retreat to *Peniſcola*, he was the more juſtifiable in doing it, becauſe *Sigiſmond*, and the others, who were at *Perpignan* on the Part of the Congregation at *Conſtance*, being retir'd, it was abſolutely neceſſary to ſecure the Church; that however free Acceſs was always had at *Peniſcola*, and that he is ſtill ready to embrace all proper Meaſures for giving Peace to the Church. 6. That there being no Pope who preſides at *Conſtance*, it cannot paſs for a lawful Council, and that the Inferior hath no Right over his Superior, much leſs over the Pope. Hereupon *Benedict* quotes the Council, which was aſſembled under *Theodoric* in the fifth Century, when that Council was not willing to give Judgment againſt *Symmachus*, who was impleaded by his Adverſaries, and the Council of *Chalcedon* in 451, when *Dioſcorus*, the Patriarch of *Alexandria*, was condemn'd for undertaking to judge the Pope. 7. That, not to mention the Diſtance of Places, and his great Age, *Benedict* could not go to *Conſtance*, becauſe it was a Place under the Dominion of the King of the *Romans*, whom he had Reaſon to ſuſpect, as well as moſt of the Members of that Congregation. The Anſwer concludes with a Proteſtation of his being an Orthodox Catholick (*a*). 1417.

(*a*) *V. d. Har* T. IV. p. 1162, 1173.

AFTER theſe Pieces were read, *Peter de Lembourg*, L.L.D. by the Council's Order, made a Decree for approving and confirming the Edict, whereby *Ferdinand* King of *Arragon*, and after him, *Alphonſo* his Succeſſor, withdrew themſelves and their Dominions from the Obedience of *Benedict* XIII. And as the ſaid pretended Pope, when at *Marſeilles* in 1408, had fulminated a Bull againſt the Emperors, Kings and Princes, who had revolted, or ſhould go about to revolt from his Obedience, the Council revok'd that Bull by another Decree, which was likewiſe read in this Seſſion. This Precaution was abſolutely neceſſary, becauſe as the ſaid Bull had been approv'd by the King of *Arragon*, who was ſtill in the Intereſt of *Benedict* when he publiſh'd it, he would, by ſuch Revolt, have entangled himſelf in the Bonds of Excommunication if it had not been taken away by the Sentence of the Council.

XIX. As the Diſpute between the *French* and *Engliſh* is to be decided in the next Seſſion, 'tis proper to ſee the Reaſons which the latter made uſe of to ſupport their Right. They declare, in the firſt Place, that by their Anſwer to the Memorial of the *French*, they don't propoſe to refer a Right ſo indiſputable as theirs to Arbitration, but

Controverſy between the *French* and *Engliſh*

*V. d. Hardt*, T. V. p. 77

1417. but only to prevent ill diſpoſed People from making a bad Uſe of the Silence which they had choſe to obſerve till that Time, purely for the ſake of Peace. After this Decree, they ſet forth, that the Ambaſſadors of *France* having lately reviv'd this Affair in a publick Seſſion, and without any previous Agreement for ſo doing in the Aſſemblies of the Nations, they could no longer be ſilent without betraying their own Cauſe. Then proceeding to the Arguments of the *French*, they confute their Memorial from the Beginning to the End. They ſhew, by the very Terms of the Bulls of *Benedict* XII, that whatſoever Partiality that Pope had diſcover'd for *France*, it was not his Intention, however, to make a Partition of the Nations, nor to determine their Ranks, nor to confound *England* with *Germany*, much leſs to deprive *England* of the Right of making a Nation or a Part of Chriſtendom, but that it was his Intention only to make ſuch a Diſtribution as might be for the Conveniency of the Prelates for their Viſitations, and for holding the Chapters of the *Benedictins*. As to the Antiquity and Extent of the *Engliſh* Nation, it aſſerts, that *Wales*, *Scotland* and *Ireland* are of that Nation, even tho' ſome of thoſe People did not obey the King of *England*, juſt as ſeveral Provinces, which do not hold either of the King of *Caſtille* or the King of *France*, are nevertheleſs a Part of *Spain* and *France*; as *Provence*, *Dauphiny*, *Savoy*, *Burgundy*, *Lorrain*, and ſeveral other Provinces, which are included in the *French* Nation, tho' they do not obey the King of *France*. Upon this Foot, and according to the Calculation of the *Engliſh*, *England* is inferior in no reſpect to the Kingdom of *France*, either as to Extent, Dignity or Antiquity. As to Extent, they compute that taking *England* from North to South, it extends eight hundred *Engliſh* Miles, that is to ſay, forty Days Journey, which *France* does not, according to common Eſtimation. Beſides, the *Engliſh* Nation has eight Kingdoms, *viz.* *England*, *Scotland* and *Wales*, all which together make *Great Britain*, *Ireland*, and four other Kingdoms, which lye near *England*, the *Orkney* Iſlands, which are ſixty in Number, and which are as large, if not larger, than the Kingdom of *France*, thirty two Counties, fifty two thouſand Pariſh Churches, beſides Cathedral and Collegiate Churches, Priories, Hoſpitals; whereas in *France* there are not above ſix thouſand Parochial Churches, and only four or five Counties. 'Tis true, *ſay the* Engliſh, that the *French* 'reckon eleven Provinces and one hundred and thirty five Dioceſes in 'their Nation; but admitting their Calculation to be juſt, if ſo ſmall 'a Difference authoriſes them to deprive *England* of the Right of 'making a Nation in the Council, the *Italians* have much more Rea'ſon to controvert the Right of *France* to make ſuch Nation, becauſe '*Italy* has three hundred and thirteen Dioceſes; whereas the *French*

*T. à Hardt*, T. V. p. 89.

'them-

'themſelves pretend to but one hundred and thirty five, including 1417.
'thoſe of *Provence*, *Savoy*, *Dauphiny* and *Lorrain*.

As to the Antiquity of the *Britiſh* Nation, as a Chriſtian Nation, *Ubi ſup.* p. 91.
as this Memorial does very much Honour to *England*, by aſcribing its Converſion to *Joſeph* of *Arimathea*, it does no leſs Honour to the *French* Nation, by allowing *Dionyſius* the *Areopagite* to be their firſt Apoſtle. Nor do the *Engliſh* forget, as well for the Antiquity as for the Dignity of their Nation, the Honour it had of the Birth of *Conſtantine* the Great, to whom the Church of *Rome* had ſuch great *V. d. Hardt*, Obligations, at leaſt according to the Opinion of that Time. To all T. V. p. 91. this, they add ſeveral other Conſiderations; as their conſtant Submiſſion to the Church of *Rome*, without being ever guilty of any Schiſm; that whereas *France* has ſcarce one that is born Legate *a Latere*, History of *England* has two ſuch that are perpetual; that *France* makes uſe but the Reformation, Vol. I. of one Language, whereas *England* has four or five, *viz.* the *Engliſh* p. 17. and *Scotch*, the *Welſh*, *Iriſh*, the *Gaelon*, and the Language of *Corn-* *V. d. Hardt*, *wall*. Then they quote ſeveral Doctors, who, in their Diviſion of T. V. p. 86, Chriſtendom, have made *England* a diſtinct Nation, without con- 93. founding it with any other. For inſtance; *Albert* the Great and *Bartholomew de Glanville* (1), call'd the *Engliſhman*, divided *Europe* into four Kingdoms, that of *Rome*, that of *Conſtantinople*, that of *Ireland*, which is transfer'd to the *Engliſh*, ſays the Memorial, and that of *Spain*, without mentioning one Word of *France*. The Canon Law reckons four Univerſities, according to the four Nations, *viz.* that of *Paris* for *France*, that of *Oxford* for *England*, that of *Bologna* for *Italy*, and that of *Salamanca* for *Spain*. *Bernard Alaman* (2), Biſhop of *Condom*, in a Treatiſe of the Schiſm, dedicated to the King of *France*, reckons five Chriſtian Nations, *viz.* *Italy*, *Germany*, *France*, *England* and *Spain*. The *Engliſh* quote another Enumeration or Diviſion of the Nations, which was made in a Letter from St. *Bernard*, wherein the *Engliſh* Nation is placed betwixt *France* and *Spain*. Finally, the *Engliſh* affirm, that if it be neceſſary to divide Chriſtendom *Ubi ſup.* p. 93. into four Parts, 'tis more commodious and natural to divide it, according to the four Quarters of the World, *viz.* Eaſt, Weſt, North and South, by placing in the Eaſt, *Hungary*, *Bohemia*, *Poland* and *Germany*; in the Weſt, *France* and *Spain*; in the North, *England*, *Wales*, *Scotland* and *Ireland*, with their Iſlands, *Denmark*, *Sweden* and *Norway*; and in the South, *Italy* and the *Greeks*, who are of the Pope's Obedience, as the Inhabitants of *Candia* and *Cyprus*. This Diſtribution the *Engliſh* think more convenient, more natural, more

(1) The latter was an *Engliſhman*, and flouriſh'd in 1360. *Ubi ſup.* p. 91.

(2) He flouriſh'd about the End of the XIVth Century. *V. d. Hardt*, T. II. Proleg. p. 1.

1417. honourable, more durable, and more agreeable, than any other to the Intention of the Council, which is to procure Union and Peace 'For, *ſay they*, 'tis impoſſible to make a Diviſion of Chriſtendom by 'the Languages, becauſe there are more than four, nor by Kingdoms 'for the ſame Reaſon; beſides that, the Kingdoms do, neither in 'Law nor in Fact, yield one to the other. That if ſuch Partition be 'pretended to be made, according to the Superiority of Kingdoms, in 'their Extent, Riches or Power, ſuch Partition is liable to Alte-
*Norvegia, ubi ſup.* p. 102. 'ration. The Kingdom of *Norway* has often ſubdued *France*, as 'appears from *Normandy*, which ſtill bears the Name: And *Den-* 'mark may boaſt of the ſame in regard to *England*. The *Goths* and the 'Swedes were, for a long Time, Maſters of almoſt all Chriſtendom, 'Germany, Italy, Spain, &c. Moreover, ſuch Diviſion of Chriſtendom 'into four Kingdoms carries in it ſomething ſo arrogant and am- 'bitious, as may be hateful to the other Kingdoms; ſuch as are not ſub- 'ject either to *France*, or to *England*, or to *Germany*, or to *Spain*, being 'unwilling to be deem'd either *French*, *Engliſh*, *Germans* or *Spaniards*; 'whereas none can be offended at being placed in the Eaſt, Weſt, 'North or South Diviſions. Nevertheleſs, they ſay in Concluſion, 'that if it be thought fit to divide Chriſtendom into ſo many King- 'doms as it contains, they will not oppoſe it, any Diſtribution being 'to them indifferent, provided no Wrong be thereby done to any 'Nation or Kingdom, and that they vote in the Council as they 'have done, by Nations, and not by Perſons, as, *ſay they*, ſome would 'have it to be, who have not the Reformation, nor the Peace and 'Union of the Church at Heart.' Before we proceed to the XXXIſt Seſſion, the Reader perhaps will not be diſpleaſed with the inſerting of a little *Latin* Poem here in Praiſe of *Sigiſmond*, which was fix'd up at the Gates of the Cathedral of *Conſtance* in the XXXth Seſſion.

*Vos quorum longo turbavit tempore mentes*
*Eccleſiæ Clamor, continuuſque labor:*
*Læta* Sigiſmundo *cantantes carmina Regi,*
*Æternum vivat, dicite voce piâ.*
*Nam meruit. Prudens hic rerum pondera ſolus*
*Suſtinuit, cecidit cum quaſi tota Fides.*
*Schiſmata, queis noſter tot jam labentibus annis*
*Torpuerat mundus, ſuſtulit, ipſe valens.*
*Cumque lupum fugerent alii, bonus ipſe remanſit*
*Paſtor, debetur cui bene cura boum.*
*Hic Domini pariter teneros ſervavit & agnos,*
*Et grege cum toto nunc bene paſcit oves.*
*Dumque alii Domini propria & ſua commoda quærunt,*
*Hunc verum Regem publica cauſa monet.*

*Quot*

1417.

*Quot tulit expenſas? Subiit quot ſponte labores?*
*Chriſticolis ſit pax omnibus utque quies.*
*Imperiale Decus, & regni jura meretur*
*Ungariæ, titulis non minor ille ſuis!*
*Cæſar ut Auguſtus facto verboque vacetur,*
*Oſtendit claris Magnus ubique modis.*
*Cur dedit indignis ſors hæc ſua nomina cæca?*
*Communis ſermo dicere ſæpe ſolet.*
*Inclytus hic Princeps, in quo Fortuna videtur*
*Se probat, & cæcæ crimina falſa tulit.*
*Qui legitis flores, & qui bona carpitis hujus*
*Vitæ, laudantes hunc celebrate Virum.*
*Dignus & argento, fulvo quoque dignior auro;*
*Hæc ego non habeo, quæ ſibi pulchra darem.*
*Verſiculos habui, mea quos donare voluntas*
*Magna fuit, clarum perpetuumque decus.*
*Hunc ſua Majeſtas præ cunctis curat honorem,*
*Aurum cum donat plus ſibi pluſque placet.*
*De Pileo à Patria* Benedictus *nomine dictus*
*Nunc Majeſtati carmina pauca dedi*
*Et tibi conſpicuis, Rex prudentiſſime, factis,*
*Sit mihi vita comes, plura daturus ero.*
*Accipe me minimos inter, Rex optime, vates,*
*Cantantes animo nomen ubique tuum.*
*Et vos, qui tantæ tolcratis pondera molis,*
*Paſtor ut exurgat, qui regat unus oves:*
*Parcite. Namque elegis commiſi verba caducis,*
*Quæ magis heroico carmine digna forent.*
*Si Deus æternæ vobis det præmia vitæ,*
*Et bene conceptum dirigat æquus opus* (*a*).

(*a*) *V. d. Har* T. V. p. 7, 8.

XX. IT does not appear, that the Emperor was preſent at this Seſſion. *Thomas Polton*, one of the Ambaſſadors of *England*, gave in the Memorial above-mentioned, which was not read quite throughout, no more than that of the *French*; for no other Reaſon, but becauſe it was ſo long. For as it had been concerted with the Nations, and preſented by their Order, it was approv'd of by the Council. The *Engliſh* were maintain'd in the Poſſeſſion of their Right, and made a fifth Nation, as they had form'd the fourth before the Union of the *Spaniards*. 'Tis obſervable, that neither the Annaliſts, nor other Hiſtorians, have made any Mention of this great Diſpute betwixt the *French* and *Engliſh*.

SESSION THIRTY FIRST. *March* 13. *V. d. Hardt*, T. IV. p. 1194.

BY the Letters from the Deputies of the Univerſity of *Cologn*, it appears (*b*) that the Council had like to have been diſſolv'd more than

(*b*) *Marten. Anecd.* T. II.

1417. than once, by the Diſputes which frequently happen'd between the Nations, on account of their Rank. This the *Arragoneſe* diſputed with the *Engliſh*. The former being prompted by the Cardinal of *Cambray*, as one of the Letters ſays, pretended that ſince they were arriv'd, the latter ought to be joined to the *German* Nation, to the end that the *Spaniſh* Nation might be reckoned as a diſtinct Nation. This Diſpute was at firſt pacify'd by the Prudence of the Elector Palatine, and the Burgrave of *Nuremberg*, who acted for the Emperor in his Abſence; but we find by a Letter in the publick Acts of *England*, (*Rymer's Fœdera*) which was written by one of the Deputies of that Kingdom to the Biſhop of *Durham*, on the 14th of *March*, 1417; that it was not long before it was revived. There are ſome Remarks to be made upon this Letter; 1. The Cardinal of *Cambray* is mentioned in it as the Capital Enemy of the *Engliſh* Nation; and it complains, that ever ſince the Council ſat down he had made it his Buſineſs to carp at, and vilify her. 2. It ſays, that one Day, by the Inſtigation of the ſaid Cardinal, in a publick Seſſion, the *Engliſh* Nation being placed between the *French* and *Arragoneſe* Nations, one of the Deputies of *Arragon*, whoſe Name was *Efferandieu* (1), publickly declar'd, that he did not mean to treat with the *Engliſh* as forming a diſtinct Nation; and that the *Engliſh* going about publickly to confute this Pretenſion, there was ſo great a Tumult, that they could not be heard (2). 3. When it was propoſed to paſs the Decree for the Citation of *Peter de Luna*, the *Arragoneſe* declar'd, that they would not give their Conſent to what the Council ſhould order thereupon, till they knew what Rank they were to hold in the general Seſſion. 4. That this Affair was attended with ſuch a Clamour, as had put the Council into unavoidable Danger, if the Ambaſſadors of *England* had not made uſe of all their Intereſt to appeaſe it. 'The Elector *Palatin*, *ſays this Letter*, who protects and 'directs the Council in the Emperor's Abſence, and who has the 'Honour of our Nation as much at Heart as his own, having taken 'along with him the greateſt Prelates of *Italy*, *Germany* and *France*, 'and two of the Cardinals, in the Name of their College, went ſe'veral times with them to the Place where our Nation is aſſembled,

(1) Ille ſcilicet ſi recolitis, qui in Piſano Concilio pulpitum aſcendebat, & ad clamorem totius cœtus Prælatorum non completa peroratione quam incepit illico deſcendebat. *i. e.* viz. *The very Man, who, if ye remember, mounted the Roſtrum at the Council of* Piſa; *but by Reaſon of the Noiſe made by the whole Tribe of Prelates, preſently came down again before he had made an End of his Preamble.*

(2) Tantus erat tumultus tantuſque ſtrepitus clamantium, & tabulas percutientium quos idem Cardinalis, ut fertur, ad id paraverat, &c. *i. e. So great was the Tumult and Noiſe of thoſe whom the ſaid Cardinal, as 'tis reported, had prepar'd to clamour and ſtrike the Tables,* &c.

'to beg us, with repeated Instances, for God's sake, and for the 1417.
'Peace of the Church, and for preventing the Scandals and Dangers
'which were impending, that we would, for twice only, that is to
'say, in the two Sessions wherein *Peter de Luna*'s Affair was to be
'treated, permit the *Arragonese* to possess the third Rank imme-
'diately before our Nation, which was the Rank of the *Germans*,
'who, for the sake of the Union, resigned; our Nation, considering
'that there were a great many People in the Council, whose only View
'was to disturb it, and to dissolve it, on purpose to perpetuate the
'Schism, and not being willing to give any Cause for suspecting them
'upon this Head, has yielded to those Instances on condition expres-
'ly, that after those two Sessions are over, their Rank shall be re-
'stored to them. 5. That when this was done, the *Arragonese* gave
'their Consent to the Citation of *Benedict*, tho' the *French* had pro-
'tested, contrary to what the *English* had stipulated, that their Rank
'should be restor'd to them by the Term agreed on.' In this Letter, there is an Account of what pass'd on this Head after the Return of *Sigismond*, who always appear'd in Council with the Order of the Garter, which was a mortifying Eye-sore to the *French* (1). 'When this
'Prince was arriv'd, the Ambassadors of *France* perceiving that the
'Time for electing a Pope drew nigh, and fearing they should not
'have one to their Mind, whatever Arts they employ'd for that Purpose,
'contrary to all Laws whatsoever (2), they began, in the Presence of
'the Council and his Imperial Majesty, to read new Protestations
'and scandalous Propositions against our Nation. But many of the
'Prelates, and other Deputies of the several Nations, plainly per-
'ceiving that such Propositions could only end in the Dissolution of
'the Council, they put a Stop to their reading.' The Aim of these Protestations and of this Appeal, was really to hinder the *English* from representing a Nation, as they had hitherto done, in order so to weaken their Credit, that they should not have Power and Authority enough to oppose the ambitious Views of the *French* in the Election of a Pope. *But*, says the Author of the Letter, *they have been so well answer'd, that all their Arrows will rebound upon themselves* (3). *Jerome Surita* accounts for these Broils in a manner somewhat different. He says, that the *Castillians* and the *Arragonese* being Rivals to each other, and

(1) *Liberatam* (Livrée) seu Devisam metuendissimi Regis nostri continuo deferentis quæ in Gallorum Oculis, multum tædiosa & nociva constitit.

(2) Pro quo extorquendo, & habendo, Divino pariter & humano timore semoto non curarent quid agerent. *i. e. For the carrying of which Point, they had laid aside all Fear, both of God and Man, and did not care what they put in Practice*

(3) The *English* Deputy writes to the Bishop that he sends him these new Protestations of the *French*; but we don't find them in the Acts, nor the Answer of the *English*, which he also promises to send *Rymer's Fœdera*, T IX p. 439.

aiming

1417. aiming to form each a diſtinct Nation, the latter inſiſted that *England* ſhould be incorporated with *Germany*.

THIS Affair being ſettled, the Biſhop of *Concordia* demanded that a Monitory might be granted againſt *Philip* Count *de Veruë*, who, under various Pretexts, had cauſed *Albert* Biſhop of *Aſt* to be arreſted in *Lombardy*, as he was returning, with the Leave of the Council, from *Conſtance*. This Affair had already been laid before the Council, and the Biſhops of *Pavia* and *Novarra* had been appointed to inquire into it; but not having been able to execute their Commiſſion, becauſe of Obſtacles that were ſtarted by the Count *de Veruë*, the Biſhop ſtill remain'd in Priſon. As this Act of Violence was an Infringement of the *Caroline* Bull confirm'd by the Council, the Count *de Veruë* was order'd, on Pain of Excommunication, to releaſe the Biſhop in twelve Days Time, and to leave him at full Liberty to come to *Conſtance*, to the end that the Council might do Juſtice to both Parties. The Motive which the Council urges for their Monitory, is, that *Subjects have no Authority and Juriſdiction over their Prelates, nor the Laity over the Clergy.* Cardinal *Bellarmine* producing this as a Proof, that the Clergy are exempt from the Civil Juriſdiction, Dr. *Richer* has return'd three Things, by way of Anſwer, upon this Decree. The firſt is, that the Council of *Conſtance* did not eſtabliſh this Immunity by a Decree, but only ſpoke of it *en paſſant*, as of a Thing which was believ'd at that Time of Day. 2. That the Council only made mention of this Immunity as far as it was granted to the Clergy by the Emperors and the Chriſtian Princes in ordinary Caſes, but not in privileged Caſes, as are Crimes of State, and others, the Cogniſance of which appertains to the Civil Magiſtrate alone. The third is, that the Count *de Veruë* having, contrary to all Right and Reaſon, and without any Formality of Juſtice, cauſed the Biſhop of *Aſt* to be arreſted, as he was returning home by Permiſſion of the Council, the Fathers were in the right to maintain the Privileges granted to the Clergy in a Caſe which did not concern the Rights of the Temporal Nobility. This is only ſaid by the way in a Treatiſe, where 'tis allowable to give the Hiſtory of Opinions, but not to determine the Merit of the Queſtions themſelves.

*Richer. Hiſt. Conc.* T. II. p. 178.

AFTERWARDS a certain Doctor read the four Decrees following. The firſt for prohibiting defamatory Libels, by virtue of which the ſaid Doctor publickly tore one in Pieces, without reading it. The ſecond confirm'd, till there was a new Order, *Peter de Moſioc*, a *Gaſcon*, nominated to the Biſhoprick of *Bayonne* by *Benedict* XIII. in Oppoſition to *William Arnaud Bordan*, who was created by *John* XXIII. (1).

(1) The latter was at the Council in Quality of Ambaſſador from *Charles* III. King of *Navarre*. *Gall. Chriſt.* T. II. p. 351.

The third enjoyn'd the Inhabitants of the Marquiſate of *Ancona* to obey *Gregory* XII. as their true Legate. The fourth eſtabliſh'd certain Commiſſioners for the Affairs of Religion in *Bohemia*, in the room of thoſe who were dead or diſcharged. 1417.

AFTER theſe were read, the Archbiſhop of *Gneſna* demanding that he might alſo be permitted to read a Letter from the King of *Poland* and *Alexander de Withold*, an Advocate of the *Teutonic* Order offer'd to oppoſe it, becauſe the reading of it had not been reſolved upon in an Aſſembly of the Nations, according to the eſtabliſh'd Rule. Nevertheleſs it was read at the End of the Seſſion. Thoſe Princes thereupon told the Council, that they had done their Part towards making a good Peace with the *Teutonic* Order; but that the ſaid Order having rejected ſuch reaſonable Propoſals as had been made to them, the *Poles* were not to blame if they were obliged to a Rupture for their own Defence. It appears, in ſhort, from the Hiſtory of *Poland*, that the Year preceding thoſe two Powers had a Meeting to agree about the Conditions of a Treaty. The Grand Maſter of the Order offer'd, indeed, to renounce all his Pretenſions to *Samogitia*; but it was upon Condition that the King, on his Part, ſhould renounce all Claim to the Conqueſts which the Order had made in *Poland*. The King, not being in a Humour to make ſo general a Renunciation, propoſed to refer their common Intereſts to Arbitration. But the Grand Maſter of the Order, proud of an Alliance which he had juſt made with the Cham of Tartary, haughtily rejected the Offer, and went away without ſo much as once vouchſafing a Viſit to the King of *Poland*.

*Conr. à Hartt.* T. IV. p. 12.

*Dlug.* L. XI. p. 372, 378.

XXI. WHILE we are in *Poland*, 'tis neceſſary to ſpeak of an Affair which happen'd there much about this Time, and which was brought before the Council. *Ladiſlaus Jagellon* marry'd to his firſt Wife (*a*) *Hedwiga* Queen of *Poland*, Daughter to *Lewis* King of *Hungary*; by which Match he became King of *Poland*. But his Queen dying in the Year 1398, *Ladiſlaus*, about a Year after, marry'd *Anne* Daughter to the Count *de Cilley*, and Grand-daughter to King *Caſimir*, who died in 1416. The ſame Year this Prince courted the Daughter of the Emperor *Charles* IV. Dowager of the Duke of *Brabant*, who rejected his Offer, and marry'd the Biſhop of *Utrecht*. Not long afterwards falling in Love with *Elizabeth de Pileza*, Daughter of a certain *Caſtellan*, who was an old infirm Widow, that had been marry'd to three Huſbands, and had ſeveral Children, and whoſe Character was very ſuſpicious; he marry'd her, againſt the Advice of his Council, who, in vain, remonſtrated to him, that ſuch a Match was unworthy of him, and diſadvantageous to the Kingdom. But as the Mother of this new Bride had been Godmother to *Ladiſlaus*, he could not

The Marriage of the King of *Poland*.

(*a*) In 1386.

*Dlug.* L. XI. p. 374.

1417. marry her without a Dispensation from the Court of *Rome*. To this end, he apply'd to the Council, wherein the Knights of the *Teutonic* Order did not fail to accuse him, because he marry'd without waiting for the Dispensation, which he obtain'd, not without Difficulty, and on Condition, that after the Death of his said third Wife, he should not engage in a fourth Marriage. Nevertheless, he was marry'd again four Years after to *Sonka*, the Daughter of a Palatine of *Kiow*, in spite of the Grandees of *Poland*, to whom this Marriage was as displeasing as the former; because *Ladislaus* had given his Word to *Sigismond* that he would marry *Sophia* the Queen of *Bohemia*, who was *Wenceslaus*'s Widow. Moreover, this new Bride was young, brought the King no Portion, was his near Kinswoman, and had none of the best of Characters. Queen *Elizabeth* above-mention'd had been crown'd by the Archbishop of *Leopol*, in the Absence of the Archbishop of *Gnesna*, who was at *Constance*, and to whom that Office appertain'd, in quality of Primate of the Kingdom. This Prelate fearing that this Act might be prejudicial to his Primateship, caus'd himself to be confirm'd in that Dignity by a Decree of the Council. And ever since that Time, says *Dlugos*, the Archbishops of *Gnesna* have been call'd *Primates*. The said Prelate died in 1422, after having enjoy'd that See twelve Years and odd Months, with very great Reputation.

*Dlug. Hist. Polon.* p. 442.

*Dlug. ubi sup.* p. 182, & 467.

The Affairs of *Bohemia*.

XXII. TILL the Council meets again, we will pass from *Poland* to *Bohemia*, where the Execution of *Jerome* of *Prague* had no other Effect than to blow up the Flame, which the Execution of *John Hus* had already kindled. The two Parties, raging with equal Fury, roar'd Night and Day in the Streets of *Prague* and the Highways of *Bohemia*, destroying all with Fire and Sword. The *Hussites* made a Massacre of the Priests, and burnt and plunder'd the Churches and Monasteries, crying out, Wickliff *and* Hus *for ever*, while those of the other Party cry'd out, *Long live the Pope*, and knock'd down all the *Hussites* (*a*) they met with. The former were headed by two considerable Leaders, one of whom was the formidable *Ziska*, already mention'd. This Nobleman, after having left *Prague*, retir'd to the District of *Pelsna*, which he had taken. There, being assisted by the Preacher *Wenceslaus Coranda*, he propagated *Hussitism* with all his Might. The other Leader was *Nicholas de Hussinetz*, the Lord of a Place of that Name, a zealous Protector of *John Hus*, and who, after his Execution, had, on many Occasions, signaliz'd his Zeal for *Hussitism*. The King of *Bohemia* suspecting that this Nobleman aim'd at the Regal Power, he was oblig'd to remove from *Prague*, and to retire to the District of *Bechin*, in which *Hussinetz* was situate, and where, by Consequence, he had very great Authority. Having assembled all those of his Party there that he could get together, he

(*a*) MS. *Wenceslaw*, Fol. V.

*Balb.* p. 459.

those

choſe the Mountain, which was afterwards call'd *Thabor* (1), a few Miles from *Prague*, in order to form their Aſſemblies, and to adminiſter the Communion to all the People in both kinds. *Dubravius* (*a*) ſays, that when *Nicholas de Huſſinetz* had in this Place aſſembled to the Number of forty thouſand Men, he propoſed to them to chuſe a King of their own Faith, but that a certain *Huſſite* Prieſt, named *Coranda*, made ſuch a notable Speech againſt this Propoſition, that it was unanimouſly rejected. Mention has already been made of this Fact upon another Occaſion. Mean time, the Communion, in both Kinds, was adminiſter'd with Impunity almoſt over all *Bohemia*, notwithſtanding the violent Oppoſition of the Clergy, and the Anathemas of the Council. The Univerſity of *Prague*, by a publick Declaration, dated the 17th of *March*, this Year, approv'd of this way of adminiſtering the Sacrament of the Euchariſt. The Explanation of their Sentiments was made by *John Cardinal*, M. A. L. L. B. who was at that Time the Rector, in the Name, and by the Order, of the whole Univerſity. In the firſt Place, the Univerſity proteſts that they don't preſume at the introducing of any Innovation, or any Doctrine againſt the *Catholick*, *Apoſtolick and Roman Church*; and that all they aim at, is to ſet Believers right in the Article of the Euchariſt. Then they declare that they give a Verdict in favour of the Communion in both kinds with the more Confidence, becauſe the Council of *Conſtance* it ſelf had juſt declar'd, that Jeſus Chriſt had ſo inſtituted the holy Supper, and that thus it was adminiſter'd for a long Time in the Church. This induces the Univerſity to exhort and conjure all Believers to adhere devoutly to the Inſtitution of our Saviour, notwithſtanding the moſt ſacred Cuſtoms and Conſtitutions. I know not whether the Univerſity was thoroughly perſuaded that Jeſus Chriſt is entire under both Species indifferently; but here they only ſpeak of it as a Matter of Tradition. *Quamvis totus Chriſtus ſub alterutra eſſe tradatur.* Be this as it will, they conclude by ſaying, that ſome Indulgence is allowable for thoſe who heretofore have not adminiſter'd the Communion in both kinds, either thro' Simplicity or Ignorance, or for certain Caſes of Neceſſity (*b*). It was at this Time undoubtedly that a certain Dominican, nam'd *Peter de Wintzow*, a *Bohemian* by Birth, and a Profeſſor of Divinity, who had been one of the principal Enemies of *John Hus* and his Doctrine, confeſs'd it in the publick Univerſity, and begg'd Pardon of God and the King for having ſo unjuſtly perſecuted ſo holy a Man, and ſo Orthodox a Doctor as *John Hus* was. At the ſame Time, he made Profeſſion of his Belief, that the Communion in both kinds is not only of Divine Inſtitution,

1417.

(*a*) *Dubrav.* p. 624

*Aſſertio Communionis ſub utraque Specie Univerſitatis Pragenſis* Op. Hus. T. II. f. 304.

(*b*) *Theobald. Bell. Huſſ.* p. 65. *Op. Hus ubi ſup.*

(1) *Thabor*, in the *Bohemian* Tongue, ſignifies *Tent*; and the Mountain was call'd by this Name, becauſe the *Huſſites* had erected Tents there. *Balb.* p. 430, 431.

1417. but of an indispensible Necessity; and that this is the Consequence which ought to be infer'd from the Decision of the Council of *Constance*.

*Wenceslaus* retires from *Prague*, and returns thither

XXIII. WHILE these Things were transacting, *Wenceslaus* retir'd to a Fortress (*a*), where he deny'd all Access to his Person, insomuch that the Grandees of *Bohemia* went one Day to wait upon him in a great Body; but he spy'd them at a Distance, and caused his Guards to be doubled. This obliged the Grandees to depute two *Bohemian* Lords to him (*b*), venerable for their grey Hairs and their long Beards, to desire an Audience of him; which having obtain'd, the King order'd them to repair to another Fortress (*c*), where he promis'd to give them a Meeting. He was as good as his Word, and regaled them and some other Lords in a magnificent manner. After the Repast, one of them, nam'd *William de Rosenberg*, made this Speech to the King.

(*a*) *Toccenicz.*
(*b*) *Georgius Hardeccius, Justus Cziastalovicius.*
(*c*) *Ziebrac.*

'Sire, The Lords, and all the Nobility of *Bohemia*, most humbly 'desire to know of you, why, according to the Practice of your Father, 'of happy Memory, and of all the Dukes and Kings of *Bohemia* your 'Predecessors, your Majesty does not reside at *Prague*, the Capital of 'the Kingdom, for the Welfare and Tranquillity of your Subjects. 'They are very much astonish'd to see your Majesty so indifferent 'with regard to the Republick, while 'tis exposed to the Violence 'and Rapine of Robbers, who lay the Kingdom waste. For this 'Reason, they intreat you to return to *Prague*, and promise your 'Majesty all Loyalty and Affection.' The King return'd an Answer 'to the Speech in these Terms.

'DEAR *William*, You say that the Grandees of *Bohemia* are sur- 'priz'd that, instead of residing at *Prague*, I shut myself up among 'these Rocks; but you must know that I dread the *Spinca* (1). You 'ought not to wonder that I keep at a Distance from you, because I 'could not be safe in the Monastery of *Konigsaal* near *Beronne*, nor in 'the Royal Palace. I have more Satisfaction at *Ziebrac* than I had 'in the Tower of *Vienna* (2).' But the Grandees having again intreated him to come to *Prague*, promising, upon their Honour, that he should be perfectly safe there, he actually went with them to the Fortress of *Wissgrade*, which is the Royal Palace of *Prague*. Some Days after this, the Deputies of the City, together with some Lords and Gentlemen, being very earnest Petitioners to him for some Churches, wherein they might serve God after their own Way, and

(1) This is a Prison of the Old Town, where he had been continued for above a Year, and which was afterwards appropriated for the Imprisonment of lewd Women.

(2) He had been a Prisoner there a long Time.

celebrate the Holy Supper, according to the Inſtitution of Jeſus Chriſt, he granted their Requeſt. *From that Time*, ſays *Theobald*, *the Memory of* John Hus *and* Jerome *of* Prague, *has been celebrated annually upon the 6th of* July, *and a Reſolution was taken not to obey the Council* (*d*). 1417.

(*d*) *Theobald Bell. Huſſ.* P. 65, 66.

XXIV. IT was in this Month that a certain *Huſſite*, who is not nam'd, preached a Sermon in *Bethlehem* Chapel, to the Honour of *John Hus* and *Jerome* of *Prague*, from theſe Words: *Bleſſed are they who ſuffer for Righteouſneſs ſake.* The firſt Thing I obſerve in this Sermon, is, that it has not the *Ave Mary* uſually pronounc'd after the Exordium of it, as they do at this Day in the Church of *Rome.* The Preacher only implores the Aſſiſtance of Jeſus Chriſt, and then enters upon the Subject by a Quotation from St. *Chryſoſtom*, where that Father obſerves, that Jeſus Chriſt did not ſay, '*Bleſſed are they who* '*ſuffer Perſecution from the Pagans*, to the end that it might not be 'imagin'd that the Promiſe of Salvation was to thoſe only who ſuffer 'Perſecution for refuſing to ſerve Idols, becauſe the Perſecution, 'which is ſuffer'd from Hereticks, for not betraying the Truth, is 'alſo a *Perſecution for Righteouſneſs*, &c.' He afterwards divides his Diſcourſe into three Parts. In the firſt, he treats of the Internal or Spiritual Martyrdom, which the believing Soul ſuffers during the Courſe of this Life; that is to ſay, the Shocks which it has to ſuſtain from the Temptations and Croſſes of the World. In the ſecond, he treats of Martyrdom, properly ſo call'd. And in the third, he applies both theſe to *John Hus* and *Jerome* of *Prague.* As this Application is the principal Thing that lies before us, 'tis neceſſary to give an Account of what the *Bethlehem* Preacher ſays concerning theſe two *Bohemian* Doctors. As to *John Hus*, he calls on the whole Aſſembly to witneſs the Purity of his Behaviour and Converſation. 'God, *ſays* '*he*, had given him a Tongue perfectly inſtructed when to ſpeak, 'and when to be ſilent. Like another *Elias*, his Zeal flam'd out 'againſt *Antichriſt*, *and againſt his Simoniacal Clergy.* He ſpent 'his Life in Preaching or Writing, hearing Confeſſions, converting 'Sinners, comforting the Afflicted. He was chaſte, ſober, fearing 'God, without Avarice, without Envy, without Pride, and without 'Hypocriſy, and his Heart was open alike to the Rich and the Poor, 'giving good Advice to the one, and Aſſiſtance to the other. After 'having ſuffer'd a tedious Perſecution in *Bohemia*, he was detained at '*Conſtance* near ſix Months in a loathſome Priſon, where he ſuffer'd 'Hunger, Thirſt, and a great many Vexations from his Enemies, not 'to reckon the Infirmities and Diſtempers that were brought upon 'him by ſuch ill Treatment. Finally, without having regard to his 'Anſwers, he was condemn'd, and, after being degraded, deliver'd 'over to the Secular Arm, upon the Evidence of his Enemies, and 'upon falſe Extracts taken from his Works. As he made a pious

The Sermon of a *Huſſite.*

'Exit,

1417. 'Exit, by asking Pardon of God for his Sins, and by praying for his 'Enemies, we ought in Charity to believe that his Spirit, like that 'of *Elias*, aſcended to Heaven (1), in a fiery Chariot, to be receiv'd 'into the Company of Angels.' The Preacher does not expatiate ſo much upon *Jerome* of *Prague*: He only ſays, very honeſtly, that the Length and Severity of his Impriſonment, which was ſuch, that he was divers times found half dead, had obliged him to ſome ſort of Recantation (2); but that repenting of it afterwards, and having confeſs'd it in a publick Hearing, he endur'd the ſame Puniſhment as *John Hus*, with a great deal of Conſtancy, rather than he would abjure the Truth of the Goſpel. He afterwards ſpeaks of five others, whom he does not name, and who died for the ſame Cauſe, *viz.* Three who were beheaded at *Prague*, whom there has been occaſion to mention more than once, and two that were burnt at *Olmutz*. He highly extols the Sanctity of their Lives, and exhorts his Auditors to be patient, and to wean themſelves from this World, like them, in hopes of gaining with them the Crown of Martyrdom. It was proper to give an Extract of this Sermon, that the World might be enabled to judge in what manner the *Huſſites* ſpoke of thoſe whom they look'd upon as their Martyrs. They ſay indeed, that they liv'd piouſly, but they do not rank them in the Number of Saints; they do not invoke them, and even ſpeak very modeſtly of the Hopes which they have of their Salvation, *(piè credimus) i. e.* as we charitably believe.

*De quibus non oportet nos vanè gloriari.*

Some of the *Bohemian* Nobility embrace *Huſſitiſm.*

XXV. HISTORY ſays, that this Year the *Huſſites* gain'd a Conqueſt by the Converſion of the Counts *de Roſenberg* (3), who openly embrac'd their Religion. *Theobaldus* relates this Particular in the following manner. This Year the *Huſſites* having perſuaded the Lords of *Roſenberg* to embrace their Party, the latter cauſed all the Clergy of their Dependance to be aſſembled in the Church of a certain Town (*a*), where a Deacon got up into the Desk (*b*), from whence they uſed to ſhew the Relicks to the People, and ſpoke as follows. *The Lords of* Roſenberg *will, and require, that all the Paſtors of their Juriſdiction diſtribute the Euchariſt in both kinds, and teach and practiſe all that* John Hus *preach'd againſt the Pope. They who refuſe Obedience ſhall be turn'd out of their Churches in ſix Weeks.* All the Prieſts having ſignify'd their Conſent by their Silence, they were invited to Dinner; after which, the Prieſts being order'd to declare their Sentiments, they demanded a Month's Time to conſider of it, which was granted

(*a*) *Cruma-via.*

(*b*) *John Biſcupec.*

(1) Cujus Spiritus in igne, inſtar *Eliæ*, ut piè credimus, aſcendit in cœlum.

(2) Et licet in primis videbatur illis conſenſiſſe in parte.

(3) They were three, *viz.* the Father, whoſe Name was *Lopota*; the eldeſt Son, whoſe Name was *Czencon de Wartemberg*; and the youngeſt Son, who was call'd *Uldalric de Roſenberg*. *Theob. ubi ſup.* p. 67.

them

them. Mean time, the Pariſhes of two Prieſts were taken away and given to the *Huſſites* (1). 1417.

SESSION THIRTY SECOND.

XXVI. THE Term of ſeventy Days which had been preſcribed for *Benedict*'s Appearance, was expir'd. Publick Proclamation had been made for him at the Gates of the Churches of *Conſtance*, upon the 8th of *March*; but he not appearing either in Perſon or by Proctor, nothing remain'd but to give the finiſhing Stroke to his Proceſs. Therefore, in the XXXIId Seſſion, the Council deputed two Cardinals and two Biſhops, with Notaries, Scriveners, and an Apoſtolical Curſitor, to go and ſummon *Peter de Luna* once more at the Gates of the Church in theſe Words. Peter de Luna, *call'd* Benedict XIII. *in his Obedience, is he here, or any Perſon for him, to make Anſwer, before the Council, to the Accuſation of Schiſm and Hereſy laid againſt him?* Theſe Deputies having reported that they had found neither *Peter de Luna*, nor any body for him, the *Benedictins* were order'd, for Form ſake, to give an Account of their Journey once more, and to read *Benedict*'s Anſwer. After this, the Council declar'd *Peter de Luna* an Outlaw, and nominated ſeventeen Commiſſioners, among whom, there were two Cardinals, a Patriarch, and three Biſhops, with full Power, to hear the Accuſations, and to receive the Depoſitions of the Witneſſes, in order to make a Report thereof at a publick Seſſion. No more was done in this Seſſions, becauſe the Proceſs was extremely tedious.

*April* 1. *V. d' Hardt*, T. IV. p. 1206.

XXVII. A general Congregation was held ſoon after, in which Audience was given to the Ambaſſadors of *Caſtille*, who were arriv'd ſome Days before, to the Number of eight, *viz.* two Biſhops, two Gentlemen, and four Doctors, according to the Acts of *Brunſwick* and *Leipſick*; but *Sarita* reckons nine, *viz.* *Don Diego de Annaya*, Biſhop of *Cuenca*; *Don Fernand Peres de Ayala*; *Don Juan*, Biſhop of *Badajox*; *Martin Fernandez de Cordoua*, Governor of the King's Pages; *Fernand de Illeſcas*, a Minor Frier, who had been Confeſſor to the King *Don John* of *Caſtille*, the King's Grandfather; *Fernand de Avalos*, Doctor of Laws, and Dean of the Church of *Segovia*, and Auditor of the King's Audience; *Diego Fernandes de Valladolid*, a Doctor of Laws, and Dean of *Palencia* in the Kingdom of *Leon*; *Lewis de Valladolid*, a Dominican; and Dr. *John Fernandes de Pennaſlor* (c). This Congregation aſſembled in the Cathedral at the Hour of the publick Seſſions, but without the uſual Ceremonies, becauſe the *Caſtillians* did not yet acknowledge the Council. The Emperor was not there, either becauſe he had a mind to take a Journey for a few Days, or becauſe that, being ſenſible the *Caſtillians* ſtill held out ſecretly for *Benedict*, he was apprehenſive that Things would not be managed there with a

The Audience of the *Caſtillians*. *April* 3. *V. d. Hardt*, T. IV. p. 1216.

(c) *Surit. Annal. Arrag.* Lib XII. Cap. 66.

(1) The Jeſuit *Balbinus* only ſays, that thoſe Noblemen ſtagger'd in the Faith, and not that they made an open Profeſſion of *Huſſitiſm*. *Epit. Rer. Bohem* p. 430

1417. proper Decorum. After the Ambassadors had produced their Credentials, the Bishop of *Cuenca*, who was one of them, made a Speech, wherein he applauded the Zeal with which the Assembly of *Constance* labour'd in the Affairs of the Church, and proposed the good Offices of the King, the Queen Mother, and the whole Kingdom of *Castille*, declaring that they would produce their Instructions and Orders when the Time came for their uniting to the Council. Expressions so indefinite and guarded, were a plain Demonstration that they did not design to unite, but upon certain Conditions to be agreed on before-hand. Nevertheless, *Schelstrate* informs us, upon the Authority of four MSS. in the Vatican, that the Ambassadors explain'd themselves at that Time a little more clearly, than appears they did, by the other Acts, for they said, that before the Union they could wish to be inform'd of some Things concerning the State of the Council. Be this as it will, the Cardinal *de Viviers*, as President of the Assembly, made Answer to the *Castillians*, that the Council was entirely disposed to the Union; that it was assembled for that Purpose; that with this View they had waited for them with very great Impatience; that their Arrival gave them Joy; and that an Offer was made to them of all just and reasonable Methods for their particular Union, in order to act, in concert with them, for the general Union.

*Schelst. Concil. Const. p. 58.*

*V. d. Hardt, ubi sup. p. 1219.*

As to the Bishop of *Cuenca*, I will here, in the very Words of *Amelot de la Houssaye*, relate a particular Circumstance, which he quoted from the History of *Salamanca* (*a*). 'At the Council of 'Constance, *Don Diego de Anaya* Bishop of *Cuenca*, Ambassador from 'John II. King of *Castille*, having had high Words with the Am'bassador of *England*, who disputed the Precedence with him, put 'an End to the Dispute by open Violence. He took his Adversary 'about the Waste, and carry'd him like a Child (the *Englishman* be'ing a little Man) to the lower End of the Church, where he threw 'him into a Grave, which happen'd to be open at that Time; and 'then returning to his Place, he said to his Collegue *Don Martin* 'Fernandez de Cordoua: *As a Priest, I have just now committed the* 'Ambassador of England *to the Dust; Do you what remains, as be*'comes a Man of the Sword, *and a Gentleman by Birth* (*b*).

(*a*) Lib. III. cap. 14.

(*b*) *Memoir. Histor. Polit. Critiq. & Litter.* T. I. p. 67.

THE Emperor set out that very Day for *Ratolfcell*, to take some Ease during the *Easter* Holidays, which were then approaching. The Clergy, on their Part, made ready to celebrate the Festival by Processions, and other pious Solemnities; at which there was so prodigious a Concourse of People, that the Nations were oblig'd to meet in different Churches, the *Italians* and *Spaniards* in the Cathedral, the *French* in the Monastery of the *Dominicans*, and the *Germans*, with the *English*, in St. *Stephen*'s Church, to perform their Devotions.

*V. d. Hardt*, T. IV p. 1218, 1219.

XXVIII. NEI-

XXVIII. NEITHER the Abſence of the Emperor, nor the Solemnities of the Feſtival, hinder'd the Application to the Affairs of the Council. *Dacher* takes Notice, that on the 4th of *April* a Decree was publickly fix'd up, whereby *Peter de Luna* was declar'd an *Outlaw*, with all his Adherents; and that an Edict from the Emperor was publiſh'd in the ſame manner againſt the Duke of *Auſtria*. This Edict ſet forth the Reaſons which the Emperor had to ſeize all the Eſtate of *Frederick* of *Auſtria*, and enjoyn'd all that held Fiefs of that Duke to apply hereafter to his Imperial Majeſty. *Schelſtrate* reports, that on the 5th of *April* the Emperor demanded of the Ambaſſadors of *Caſtille* what Explanations they were deſirous of before the Union; and that thoſe Ambaſſadors then gave in certain Articles which related chiefly to the Freedom of the Council, and to the Method to be taken for the Election of a new Pope. The ſame Author adds two Reaſons which the *Caſtillians* had to demand thoſe Explanations. 1. Becauſe they knew that ſome Things had been carry'd in the Council with a very high Hand; particularly what had been agreed upon, in ſpite of the Cardinals, by the Decree of the XIIth and XIVth Seſſions, not to elect a new Pope without the Conſent of the Council. 2. Becauſe the *Caſtillians* did not intend that the Cardinals ſhould be excluded from the Election, and were for ſubſtituting ſome other Cardinals in the room of the *Spaniſh* Cardinals who ſtill adher'd to *Benedict* XIII. It was theſe Articles of the *Caſtillians*, which, as *Schelſtrate* pretends, gave Occaſion to the Cardinals, who were ſupported by the *French* and *Italians*, to demand importunately that the manner of electing a new Pope might be regulated before all other Points. But as the Emperor was not willing that this Article ſhould be meddled with before the depoſing of *Benedict* XIII. and the Reformation of the Church in its Head and Members, there aroſe tedious Diſputes; the Emperor perſiſting, with the *Germans* and the *Engliſh*, in his Opinion; and the *Caſtillians* equally perſiſting in their Refuſal to unite to the Council, till the manner of electing a Pope was regulated. This is what *Schelſtrate* relates upon the Authority of four MSS. as has been ſaid; nevertheleſs it does not appear, either by the Acts of *M. Von der Hardt*, or by *Dacher*'s Hiſtory, that there was any Diſpute between the *Caſtillians* and the other Nations before the 15th of *June*. Indeed, there were warm Debates that Day upon the Right of Suffrages in the Council. But it ended with that Day, and on the 18th the *Caſtillians* united to the Council, as we ſhall find in its proper Place.

1417.

Difficulties ſtarted by the *Caſtillians* *April* 4 *V. d. Hardt*, T. IV. p. 1225.

*Schelſt. Comp Chron.* p. 55. *April* 5.

*Per Impreſſionem, V. d. Har.* T. IV p. 282, 375

*V. d. Hardt*, T. IV. p. 1225.

XXIX. THE Emperor return'd to *Conſtance* on the 13th of *April*. Notwithſtanding his indefatigable Zeal for the Intereſts of the Church, he did not neglect thoſe of the State. The principal Members of the Empire being then at *Conſtance*, either in Perſon or by their Deputies, the States thereof aſſembled, from Time to Time, to judge of

Divers Civil and Political Affairs regulated by the Emperor.

1417. Civil Affairs, and to put an End to the Quarrels that arose between the Princes and the other great Men. As Affairs of this sort do not directly relate to the Council, we find but little said of them in the Acts. To treat of them with some Exactness, it would be necessary to rake into the Records of every Place and Family. It appears to me, that there were great Disputes at that Time between the King of *Denmark* and the *Holstein* Princes, and that they were laid before the Emperor at *Constance*. We will speak of those with the Duke of *Bavaria* hereafter. The Count *Gonthier de Schwartzembourg* caus'd his Cousin *Henry* Count *de Schwartzembourg* to be summon'd before the Emperor's Tribunal, on a Complaint that he with-held from him the Writings and Titles of several Places and Lordships. But as the Count *Gonthier* was President of the Chamber of Justice, and consequently would have been both Judge and Party in the Affair, it was refer'd to *Conrad* Count *de Fribourg*, who condemn'd *Henry* to restore to *Gonthier* the Papers which related to him in particular, and to put those which belong'd to the Family in general into a third Hand.

*V. d. Hardt, T. V. Proleg. p. 14.*

*Albert Krantz, Lib. X. p 236. Korner ap. V. d. Har. T. V. Proleg. p. 10.*

IN the Chronicle of *Albert Krantz*, and in *Kornerus*, we may see in what manner the Divisions of the City of *Lubeck* with the Magistrates were accommodated. Neither of those Authors relates this Affair to the Emperor's Advantage. The City of *Lubeck* had turn'd out their old Magistrates, and form'd a new Senate, consisting of Burghers and Artificers. This Quarrel having been refer'd to the Emperor, he gave a Decree at first for the old Council. But the Necessity he was in for Money, made him hearken to the Offers which the new Consuls made, to lend him a certain Sum. The old Senate, finding themselves thereby depriv'd of the Hopes of being re-establish'd, implor'd the Intercession of *Eric* King of *Denmark* with *Sigismond* his near Relation, and offer'd to pay down the Sum for him, which he had borrow'd of the City of *Lubeck*. The Burghers refused to take the Money, saying that they had lent it to the Emperor, and not to the old Consuls; but the Emperor, not thinking himself under any Obligation to the City of *Lubeck*, confirm'd the Sentence in favour of the old Council, and prosecuted the new Magistrates.

*Reich. Fol. 154. V. d. Har. T. V.*

The Counts *Otho* and *Frederick*, Burgraves of *Dhona*, complain'd also to the Emperor, that in 1402 *William* of *Saxony*, surnam'd *One-ey'd*, when at War with *Wenceslaus* King of *Bohemia*, took the City of *Dhona* from them, together with several other Places appertaining to that County. *John* King of *Bohemia* had mortgag'd that Lordship to them a long time ago for a Sum of Money, which they lent him. But in 1341 that King gave them a perpetual Title to it, as a Reward for the signal Services which they had done to the Crown of *Bohemia*. How the Affair was decided at *Constance*, I know not; but it appears, from History, that, in the Beginning of the 13th Century,

Century, the Emperor *Frederick* gave the Caſtle of *Dhona* to *Ottocarus* King of *Bohemia*, and that *William* of *Saxony* had no Right to it. During the Council, the Emperor alſo granted divers Privileges to ſeveral Towns, particularly *Spire*, *Nuremberg*, *Brunſwick* and *Conſtance*. He gave to ſeveral Princes the Inveſtiture of their Dominions, particularly to the Elector *Palatine*, to the Count *de Nellembourg*, to *Rodolph* Elector of *Saxony*, to *Waſla* Duke of *Pomerania* in *Wolgaſt* and Biſhop of *Camin*. Theſe Princes were very glad to receive this Honour at ſo remarkable a Juncture as that of a general Council; and, on the other hand, theſe ſolemn Acts added no little Splendor to the Council. We have already obſerv'd, that, on the 23d of *February* this Year, the Emperor gave the Inveſtiture of the Electorate of *Mentz* to *John de Naſſau* the Archbiſhop. 1417.

XXX. AMONG the Princes who repair'd to *Conſtance* with the ſame View, there were few who made a more ſplendid Appearance there than *Frederick* Markgrave of *Miſnia* and Landgrave of *Thuringia*, ſurnam'd the *Warlike*. He made his ſolemn Entry on the 15th of *April*. The Emperor, *Rodolph* Elector of *Saxony*, *Lewis* of *Bavaria* Elector *Palatine*, *Frederick* Burgrave of *Nuremberg*, three Dukes of *Bavaria*, *Lewis* Duke of *Briga*, and a great many other Noblemen, went and met him. Hiſtory ſays, that the Emperor had a ſingular Value for this Prince, who had ſignaliz'd his Bravery on ſeveral important Occaſions. Nevertheleſs they did not ſet their Horſes together at *Conſtance*. Beſides the Inveſtiture of *Miſnia*, *Frederick* came thither to demand of the Emperor the Inveſtiture of ſome Towns of *Bohemia*, which he then poſſeſs'd by Right of Conqueſt. The firſt Article met with no Difficulty; but the Emperor, who was Brother to the King of *Bohemia*, and who was himſelf preſumptive Heir to that Crown, was inflexible as to the ſecond. *Frederick* was ſo incens'd at it, that he would not accept of the Inveſtiture of *Miſnia*, but retir'd from *Conſtance*, leaving this Menace. *He that has refuſed me the Inveſtiture at* Conſtance, *will perhaps grant it to me in the Field of Battle.* Nevertheleſs, as the Emperor had an Eſteem for this Prince, and as it was with Reluctance that he oppoſed one of his Pretenſions, he made him amends ſome Years after, by giving him, with a Preference to other Princes who put in for it, the Electorate of *Saxony*, which became vacant in 1422 by the Death of *Albert* III. the laſt Elector of *Saxony* of the Houſe of *Anhalt*. By the way, we muſt not forget that *Frederick* the *Warlike* was the Founder of the Univerſity of *Leipſick*.

The Markgrave of *Miſnia* retires in Diſguſt. *Fr. d. Hardt*, T. IV. p. 1221. *April* 15. *Engelh. Chron.* p. 295 *Menkenius de Frederico Bellicoſo.*

*Monk. ubi ſupr.* p. 12.

XXXI. *FREDERICK* V. Burgrave of *Nuremberg*, the firſt Elector of that Auguſt Family, the preſent glorious reigning one, did not meet with that Difficulty in receiving the Inveſtiture of the Electorate of *Brandenbourg*. This Electorate was revolv'd to *Sigiſ-*

*Frederick* Burgrave of *Nuremberg* is made Elector of *Brandenbourg*.

1417. *Sigiſmond* by the Death of *Joſſe* the Markgrave of *Moravia*, to whom he had mortgag'd it, and who afterwards ſold it to *William* Markgrave of *Miſnia*, and Landgrave of *Thuringia*. The Marquiſate of *Brandenbourg* had ſuffer'd very much for a long Time by this various Change of Maſters, who, for the greateſt part of the Time, were abſent, or had not Power enough to check the Enterprizes of the Gentlemen of the Country. *Sigiſmond* having redeem'd it from the Markgrave of *Miſnia*, immediately after the Death of *Joſſe*, he was recognized Sovereign of it with the more Joy, becauſe the State was in hopes of recovering both Peace and Plenty under ſo potent a Maſter.

*Schook. Hiſt. MS. Frid. p.* 23.

In 1411. But *Sigiſmond* being at this Time choſe Emperor, he thought immediately of giving a Governor to the Marquiſate, who had all the neceſſary Qualities to retrieve it from its languiſhing Condition. Conſidering the then Confuſion of the Affairs of *Brandenbourg*, there was a Neceſſity for the utmoſt Prudence to humour ſome People, and for Courage to reduce others to their Duty, by giving proper Examples of Clemency and Severity; but eſpecially a great and diſintereſted Soul was wanted who would not be tempted by Avarice, ſo common a Bait to the Governors of Provinces, and to which this Country had been long a Sacrifice. The Emperor, finding all theſe Qualities in *Frederick*, fix'd his Eyes upon him to eſtabliſh him, and his Heirs, Governor, or Adminiſtrator-General of the Marquiſate and Electorate of *Brandenbourg*, with Sovereign Power to diſpoſe of all Matters there abſolutely, only reſerving to himſelf the ſole Dignity of Elector (1), as appears from the Patents for that Purpoſe, which were paſs'd at *Buda* in 1411. Theſe Patents contain a very authentick and glorious Teſtimony of the great Virtues of *Frederick*, and the important Services which he had perform'd to the Emperor on ſundry Occaſions, as well as to all *Germany*. The Year following, *Frederick* went to *Brandenbourg* (*a*), to put himſelf in Poſſeſſion of his new Dignity, and having aſſembled the States, he was unanimouſly recogniz'd in full Senate. But he was not ſo acceptable to great Part of the Nobility, who, being us'd to fiſh in troubled Waters, did not mightily care for a Governor, whoſe Juſtice and Authority ſeem'd a Terror to their Ambition and inſatiable Avarice. It took up two whole Years before he could ſuppreſs a Faction formidable in itſelf, and ſupported by ſome neighbouring Princes. After having humbled the Rebels, and pardon'd thoſe who were return'd to their Allegiance, *Frederick* went to *Conſtance*, by Order of the Emperor, who, as a Reward for his Services, had a Deſign to give him the Property of the Electorate of *Brandenbourg*. He made his Entrance into the City

(*a*) *V. d. Har. T. VI. Proleg. p.* 11

*Tritb. Chron. Hirſaug. T. II. p.* 355, 356.

(1) Solâ tantum Electorali Dignitate, & Regi competens eò ſpectat reſervatâ, ſi quid præterea cuilibet Romanorum. *Schook.*

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on the 5th of *January*, 1415, accompany'd by the Flower of the Nobility of the Country, and in particular by *John de Waldaw* Biſhop of *Brandenbourg*, and the Count *de Rupin*. After his Arrival, he always appear'd in Council with Splendor, being preſent with the Emperor at the publick Seſſions, and executing important Commiſſions in his Name; as particularly his fetching back Pope *John* XXIII. to *Gottlieben* to hear the Sentence of his Depoſition. The Affairs of this Pope and *John Hus* ſo employ'd the Council and the Emperor all the Year 1415, that it was almoſt impoſſible to think of any other. But when theſe two Affairs were diſpatch'd, the Emperor, by Conſent of *Wenceſlaus* his Brother, treated with *Frederick* for the Electorate of *Brandenbourg*. This paſs'd in 1415 in the Imperial Palace, in the Preſence of the Electors and the Great Chancellor of the Empire, where the Emperor's Patents were read for eſtabliſhing *Frederick* Elector of *Brandenbourg*. They imported in Subſtance, ' 1. That *Si-* ' *giſmond*, having nothing at Heart but the Happineſs of the ' Empire, and of his Hereditary Counties, had neglected nothing to ' make them flouriſh. 2. That God having given him *ſuch vaſt* ' *Dominions*, that they could ſcarce be *defended with the Power of* ' *Angels*, he had for a long time been of Opinion that he could not ' make better Proviſion for the Welfare of the Electoral Marquiſate, ' than by giving it a Stadtholder in the Perſon of *Frederick* Burgrave ' of *Nuremberg*, a Prince whoſe Wiſdom and Valour render'd him ' richly worthy of that Dignity. 3. That his Affairs in the Em- ' pire increaſing upon his Hands every Day ſo faſt, that it was im- ' poſſible for him to go to *Brandenbourg*; and moreover, as it was for ' the Honour of the Empire and more expedient, to augment than to di- ' miniſh the Number of the Electors, he had reſolv'd to yield the ' Electorate, with all its Dependencies, Juriſdictions and Subjects, ' Chriſtian or not Chriſtian, *(Unchriſten*, &c.) to *Frederick*, who, by ' his Wiſdom and glorious Exploits, as well as by the great Sums of ' Money he had expended, had put the Marquiſate into a very good ' Condition, and won the Hearts of the Inhabitants. 4. That for ' theſe Cauſes he commanded all its Princes, Prelates, Earls, Barons, ' Nobles and Cities, to recognize *Frederick*, and to take the Oath ' to him as their lawful Sovereign, reſerving to himſelf nevertheleſs, ' that if *Wenceſlaus* or he *(Sigiſmond)* ſhould happen to have Male ' Iſſue, they might redeem the Electorate for the Sum of four hun- ' dred thouſand *Hungarian* Florins of Gold. 1417.

AFTER the Electors had given their Conſent in Writing to this Declaration, *Frederick* ſolemnly took his Place in the College of the Electors. He began firſt with Complaints againſt the Dukes of *Pomerania*, who had diſturbed the Peace by giving Aid to the Lords of *Quitzau*, who were in Rebellion againſt him. The Emperor, after having

1417. having taken Counſel of the Electors, put *Otho* and *Caſimir* Dukes of *Pomerania*, the Cities of *Stetin* and *Gartz*, and all the Inhabitants of *Pomerania*, under the Ban of the Empire; including in the ſaid Ban all Men above 14 Years of Age (*a*). I muſt obſerve one particular here, which I have met with in an Author (*b*), who has wrote a very exact Hiſtory of the War of the *Huſſites*; and who, upon this Occaſion, makes Mention of the Grant which the Emperor made of the Marquiſate of *Brandenbourg* to *Frederick*. He reports that one of the Articles of the Treaty was, that *Frederick* ſhou'd aſſiſt *Sigiſmond* with all his Forces, in caſe he ſhou'd be oblig'd to take Arms for reducing the *Huſſites* in *Bohemia*. This ſame Author adds, that the *Bohemians*, having had Advice of it, complain'd that the Emperor had alienated the Marquiſate of *Brandenbourg*, which belong'd, as they pretended, to the Kingdom of *Bohemia*, in order to give it to a Foreigner, and even with a Condition of making War upon them. They murmur'd at it to *Wenceſlaus*, but to no purpoſe; becauſe the Emperor having made this Donation by his Conſent, the *Bohemians* had no Right to oppoſe it; for the Marquiſate belong'd to *Wenceſlaus* and *Sigiſmond*, and not to the Kingdom of *Bohemia*. A MS. Chronicle of *Magdebourg* tells us, that *Frederick* arrived in *October* this Year at *Berlin*; and that having produc'd the Emperor's Letters, he there receiv'd the Homage of his Subjects in Quality of Elector, and Arch-Chamberlain of the Empire. Among thoſe who did Homage to him, Mr. *Gundling* reckons *Chriſtopher Balthaſar*, and *William*, Princes of the *Wandals* (*c*). The Count de *Biberſtein*, whom he had left in his Place, not having Authority ſufficient to ſuppreſs the Remains of an obſtinate Faction, which took the Opportunity of the Governor's Abſence to make a freſh Inſurrection, it took up all the Year following to put the Marquiſate of *Brandenbourg* in a State of Tranquillity. In 1417 *Frederick* return'd to *Conſtance*, and receiv'd the Inveſtiture of his Electorate from the Emperor, on the 18th of *April* with very great Solemnity. A very curious Deſcription of this Ceremony may be ſeen in the Fifth Volume of Dr. *Von der Hardt*'s Collection, who took it out of the *German* MS. Hiſtory of *Gebhard Dacher*, a Privy Counſellor to the Elector of *Saxony*, who was present at the Ceremony. I ſhall content my ſelf with giving a general Idea of this Solemnity. A Stage was erected in the Publick Square large enough to contain about forty Perſons. At the Head of the Stage, there was an Arm Chair for the Emperor; on each ſide of which was a Bench in Form of a Couch, on which four Perſons might ſit. When the Hour of the Ceremony was come, the Electors, Princes, and all the Nobles went to *Frederick*'s Palace to fetch him. As ſoon as he was arriv'd, the Emperor appear'd in his Imperial Robes.

(*a*) *Gundling Hiſt. Frederick I.* p. 67. 72.

(*b*) *Theob. War of the Huſſites* Cap. 2.

(*c*) *Ubi ſup.*

April 18. This was Quaſimodo Sunday. See *Naucler* and *Cornitius*.

Robes (1), accompany'd by two Cardinals and three Biſhops. The Relation ſays, they were only there out of Curioſity, their Preſence not being at all eſſential to this Ceremony. The Emperor, having ſeated himſelf, cauſed the two Cardinals to ſit down alſo; the one on his Right Hand, the other on his Left, and the Biſhops near them. The Great Chancellor of the Empire ſtood behind the Cardinal who ſat on the Emperor's Right Hand. All things being thus prepar'd, *Frederick* was bid to aſcend the Stage. Then the Elector *Palatine*, advancing with the Globe and Imperial Scepter in his Hand, placed himſelf behind the Cardinal who ſat on the Emperor's Left Hand, and the Elector of *Saxony*, bearing the Imperial Sword, plac'd himſelf behind the Cardinal on the Right. Round the Stage there was a Cardinal, five Archbiſhops and ſeveral Biſhops, who came thither to do Honour to *Frederick*. This Prince aſcended the Stage, ſupported by two Gentlemen, who each carried a Banner with the Arms of the *Brandenbourg* Family, and thoſe of the Burgraves of *Nuremberg*. All theſe three kneeled down at the Top of the Steps, and, after having riſen up, fell on their Knees again before the Emperor; and while they were in that Poſture, the Chancellor read to *Frederick* his Patent containing his Engagements, which he ſwore duly to execute. After he had taken the Oath, the Emperor put into his Hands the Banners on which were the Arms of the *Brandenbourg* Family, and of the Burgraves of *Nuremberg*, with the Imperial Globe, and the Elector of *Saxony* girded him with the Sword. Thus the Ceremony ended. On that day the new Elector treated the Emperor, the Electors, the Princes and all the Nobles, together with the Archbiſhops, Biſhops, and the moſt conſiderable part of the Clergy. As to the Cardinals, there is a Relation, which ſays poſitively that they were there too; but the other ſeems to ſay, that they were not there, or that, if they were, they had a Table to themſelves. The ſame Ceremonies were obſerved at the Inveſtiture of the other Secular Electors, and particularly in that of *Lewis*, Elector *Palatine*, who receiv'd his upon the 11th of *March* this Year; and in that of *Rodolph*, Elector of *Saxony*, who had his upon the 16th of *May*. But there was not ſo much Ceremony at the Inveſtiture of the other Princes, particularly the Dukes of *Bavaria*, *Wratiſla* Duke of *Pomerania* and Biſhop of *Camin*, *Adolphus* Count of *Cleves*, whom the Emperor made a Duke on the 28th of *April*, the Count *Eberhard de Nellenbourg*, who was inveſted on the 11th of *May*, and ſome other Noblemen. There is a Relation alſo, which ſays, that the Inveſtiture of the other Electors was not perform'd with

1417.

(1) He had the Crown on his Head, and was array'd in the *Dalmatick*, which is an Ornament of the Deacons of the Church of *Rome*, that was worn by the Emperors and Kings at their Conſecrations, and upon Days of Ceremony, as we are inform'd by *Du Change*.

1417. so much Solemnity as that of *Frederick*. As for the Spiritual Electors, it was confer'd upon them in a particular Way, and without their Kneeling; as was obſerv'd in the Account given of the Inveſtiture of the Electors of *Mentz*. *Frederick* ſtaid at *Conſtance* till the Council was ended, and appeared there with Splendor, as we ſhall ſee hereafter. Mean time, here we may place the Marriage of his Daughter *Elizabeth* with *Lewis* II. Duke of *Lignitz* and *Brieg*, though it was not celebrated till the Year 1418.

The Duke of *Lignitz* marries the Daughter of the Elector of *Brandenbourg*.

XXXII. THIS Duke, of whom Hiſtory makes Mention as a Prince of very great Merit, diſtinguiſh'd himſelf according to the Cuſtom of that Time, by a Journey which he made to the Holy Land, in 1404. He had the Misfortune to be taken Priſoner, as he returned from that Expedition, and was ranſom'd by his Brother *Henry* IX. Duke of *Luben*, and by the City of *Brieg*. He had marry'd to his firſt Wife the Siſter of *Emeric Count de Cepuſez* Governour of *Upper Hungary*, by whom he had no Iſſue. As he was a great Favourite with the Emperor, and as it was to his Mediation that his firſt Marriage was owing, he made Application to the Emperor to help him to another Wife. He had many Opportunities to tell the Emperor how he ſtood affected, becauſe he accompany'd him wherever he went, from the beginning of the Year 1414 till the Time of the Council, to which the Duke alſo repair'd that very Year. In a MS. Hiſtory of the Ducheſs of *Lignitz*, there's one particular which may ſerve to diſcover this Duke's ingenious Generoſity. Being at *Mentz* a little before he went to the Council, he had a mind to regale the Emperor, and the Electors and Princes, who were there with him. But the Emperor, who was unwilling that the Duke ſhou'd put himſelf to needleſs Expence, gave a ſtrict Injunction that he ſhou'd not be allow'd Fewel to dreſs his Feaſt. The Duke being inform'd of this Order, thought of a very ſingular Expedient, which was to order his Steward to go to the Nut-Carts and buy up all the Nuts in the Market, to burn them inſtead of other Fewel. The Entertainment was very magnificent, and the Gueſts declar'd that they had never taſted any Proviſion ſo delicate. It was no doubt at theſe familiar Interviews, that the Marriage was propos'd between *Lewis* of *Lignitz*, and *Elizabeth* of *Brandenbourg*, which was celebrated at *Conſtance* with very great Solemnity; the Emperor honouring the Feaſt with his Preſence. The Duke returned the following Year to his Dominions. An Hiſtorian of *Sileſia* ſays, that *Lewis* had all the Reaſon in the World to repent of the Zeal which he ſhewed for the Execution of *John Hus*, and of the cruel Pleaſure he took in being an Eye-witneſs of it, becauſe afterwards the *Huſſites* ravag'd his Dominions without Mercy.

*Ann. Lignic.* MS. *Godefred. Thebeſ. Syndic. Lignicenſi, cap.* 45. The MS. was generouſly communicated to me by M. *Eckborn*, a Learned Gentleman of *Sileſia*.

*Auguſt* 9. 1417.

3

XXXIII.

XXXIII. *Frederick* ſet out alſo on the 19th of *May*, to return to his own Dominions, and found himſelf again oblig'd to take Arms againſt the Dukes of *Mecklemburg* and *Pomerania*, who held ſeveral Places in the Marquiſate of *Brandenbourg*. This War being happily terminated, the Elector look'd out for an advantageous Match for his Son *Frederick*, who was his Succeſſor. With this View he courted an Alliance with *Ladiſlaus Jagellon*, King of *Poland*, of whom he demanded his Daughter *Hedwiga* in Marriage for his ſecond Son *Frederick*, who was but in the ninth Year of his Age. The King of *Poland*, who ſtood in need of *Frederick*'s Aſſiſtance againſt the *Teutonick* Order, eaſily conſented to this Match: Whereupon *Frederick* ſent his Son into *Poland*, to be bred up after the *Poliſh* Manner; but this Marriage did not take Place, becauſe of the Death of *Hedwiga*, which happen'd in 1431. *Albert* III. Elector of *Saxony*, dying this ſame Year, *Frederick*, who had Pretenſions to that Electorate, and demanded it for one of his Sons, gave a great Inſtance of his Moderation, and of his Deference to the Emperor, by yielding it to *Frederick* of *Miſnia*, to whom he alſo reſtor'd *Witremberg*, and ſome other Towns of *Saxony*, of which he had taken Poſſeſſion in the Emperor's Name. Notwithſtanding the Elector's Inclination to Peace, he was not attack'd with Impunity. This *Lewis* of *Bavaria* of *Ingolſtad* found, to his Coſt, a proud turbulent Prince, who was ſo puffed up at his Alliance with the King of *France* (1), that he was inſupportably troubleſome, both to his Neighbours and Allies. Having formed ſome chimerical Pretenſions to the Marquiſate of *Brandenbourg*, he took that Handle to make an Incurſion into it in a violent Manner, with ſuch Airs of Inſult and Contempt as were common to him: But it was not long e're he had cauſe to repent of it. For *Frederick*, entering *Bavaria* at the Head of an Army, deſtroy'd all the Lands of the *Bavarians* with Fire and Sword, and ſubdued above thirty Towns and Caſtles. *Frederick*, upon his Return from this Expedition, in order to confirm the Peace which he had made with *Albert* Duke of *Mecklemburg* preſumptive Heir of the Crown of *Sweden*, gave him in Marriage his Daughter *Margaret* as yet under Age. *Albert* dy'd ſoon after without Iſſue. The Crown of *Bohemia* being devolv'd to the Emperor by the Death of *Wenceſlaus* his Brother, which happen'd in 1419, he aſſembled all the Forces in the Empire to put an End to the War of the *Huſſites*, which had reduc'd that Kingdom within an Ace of Deſtruction. He had three Armies on Foot, one of which was commanded by our Elector, who extricated himſelf out of this War with more Valour than Succeſs. His own Affairs calling him back into the Heart of his Dominions, he marry'd the Princeſs *Cæcilia*, one

1417.

A ſhort Hiſtory of the Life of the Elector of *Brandenbourg*, after his Acceſſion to the Electorate. In 1422. *Dlug.* p. 451. *Schook*, p. 19, 20.

*Fabric. Oug. Saxon.* p. 690

*Schook*, p. 22 *Cernitius*

(1) He was Brother-in-Law to *Charles* VI.

1417. of his Daughters, to *William* Duke of *Lunenbourg*, thinking it a Piece of State-Policy to engage ſo powerful a Neighbour, as that Prince was, in his Intereſt. *Frederick*, being oblig'd to go into *Franconia* to make ſome Regulations in his Hereditary Dominions, left the Government of the Marquiſate to his Son *John*, who ſignaliz'd his Wiſdom and Courage by the Recovery of *Prentzlaw* the Capital of the *Upper Marquiſate*, which the Dukes of *Pomerania* took poſſeſſion of; and by the Victories, which he gain'd over the Dukes of *Mecklemburg* and the *Vandals* that were join'd together in a League againſt *Brandenbourg*. Mean time, the War of the *Huſſites* growing more obſtinate than ever, the Emperor put *Frederick* at the Head of 40000 Men, whom he ſent to *Bohemia* to reduce them. But *Frederick*'s Valour not being well ſupported by the Confederates, his Country was a Victim to the Reſentment of the *Huſſites*, who fell into it with Fury, and made ſuch Ravages in it as are inexpreſſible. This oblig'd *Frederick* to return to his Dominions; where, after having diſpers'd that Storm, he employed himſelf in the Regulation of the other Affairs of the Electorate, and in ſecuring himſelf from the Inſults of his Neighbours, who look'd upon his Authority and Proſperity with an evil Eye. As he found himſelf already advanc'd in Years, and weaken'd by the Toils he had undergone with an heroic Conſtancy for ſo long a Series of Years, he was willing to provide the State with a Succeſſor, capable of governing it well, and of ſupporting the Glory which he had acquir'd by his Wiſdom and Valour. It was for this Reaſon, that having a greater Regard to the publick Welfare than to the Rights of Birth, he nominated (1) for his Succeſſor *Frederick* his ſecond Son, whom he thought more active and better qualify'd for the Fatigues of War than his eldeſt Son *John*. The latter acquieſc'd therein not only without the leaſt murmuring, but even with a Reſpect and Reſignation, which Hiſtory has no leſs commended than the Wiſdom of the Father. After this, Authors have recorded nothing memorable of *Frederick*, who ended his glorious Career in the Month of *September* 1440, and whoſe Actions ſpeak his Praiſe. Being a Compound of the Hero and the Peace-maker, he was always equally inclin'd to draw the Sword, or to ſheathe it. As he never took Arms but upon pure Neceſſity, ſo he choſe rather to recede from his Rights than to acquire Glory at the Expence of his Subjects. There was as great a Portion of Wiſdom and Cunning neceſſary, as of Intrepidity and Courage, to ſurmount ſo great Difficulties as thoſe which he met with at firſt, and which he was oblig'd to ſtand the Shock of during the whole Courſe of his Reign, as well at Home as Abroad. But above all, Hiſtorians unanimouſly praiſe him for two Qualities, which

(1) This is the *Frederick* who was afterwards Protector of the Council of *Baſil*.

are uncommon, yet essentially necessary in Princes, *viz.* Probity and an inviolable Regard to his Word. After this Digression, which I thought not foreign to the History, we now return to the Council. 1417.

XXXIV. WHEN the Commissioners, who had been appointed to prepare Matters for the Tryal of *Benedict* XIII, had summon'd him several times with all the Formality, they met to hear the Accusations read, which were to serve as the Ground of his Deposition. As they are very near the same Articles that were exhibited upon the 5th of *November*, in the preceding Year, except that these now read are a little more enlarg'd, and enter into some farther particulars of *Benedict* XIII's Conduct, we may be excus'd from inserting them here. Assembly of the Commissioners against *Benedict* XIII. *April* 25.

XXXV. TWO Days after this, the same Commissioners met again to take the Deposition of the Witnesses they had subpœna'd, of whom there appear'd that Day a very great Number, particularly seven Cardinals, two Patriarchs, two Archbishops, six Bishops and a great many Doctors, as well of *Benedict*'s as of the other Obediences. Of all the Witnesses that were summon'd, none but *Peter Cauchon*, Envoy of the Duke of *Burgundy*, and a certain Doctor, named *Rodolph*, refus'd to appear to be sworn, who for that reason were outlaw'd, and as such summon'd to shew Cause for their Refusal: Nevertheless in a few Days, *Peter Cauchon* also kiss'd the Book. When all the Witnesses were sworn, they withdrew; after which, the Emperor appear'd with the Archbishop of *Riga*, and a Prothonotary, to be sworn as Witnesses to the same Facts charg'd upon *Benedict*, and they accordingly had the Oath administered to them by the Bishop of *Salisbury*, whom the Commissioners had appointed for that Function. Another Assembly upon the same Affair. *April* 25. *V. d. Hardt*, T. IV. p. 1271.

XXXVI. SOME days after this, fresh Articles were exhibited against *Benedict*, which were reduc'd to these three Heads. 1 The manifest Juggle betwixt him and *Gregory*, to avoid being at the Meeting which they had pretended to agree to. 2. His formal Refusal to repair to the Council of *Pisa* there to perform his Promise, and to help to promote the Union. 3. It was charg'd upon him as Heresy for having declar'd that the Promise he had made to resign was not in the least obligatory upon him, even tho' his Competitors shou'd resign or be depos'd, if such a Method did not seem likely in his opinion to give Peace to the Church. *V. d. Hardt*, T. IV. p. 1277. The Prosecution against *Benedict* continu'd. *May* 6. *V. d. Hardt*, T. IV. p. 1284.

XXXVII. WHILE every thing was thus preparing for the Deposing of *Benedict*, several Doctors, who were as desirous as the Emperor that the Reformation of the Church, especially in its Head, shou'd be set about before the electing of another Pope, explain'd themselves upon this Article with great Vigor and Freedom in their publick Discourses. This *Maurice* did, an eminent Professor of Divinity at *Prague*, of whom an ample Account has already been given in this History, in a Sermon he preach'd against the gross Ignorance and Enormities of Sermon of a Doctor of *Prague*, upon the Reformation of the Church, and the Election of a Pope. *May* 9. *V. d. Hardt*, T. I. p. 860. and IV. p. 1287.

1417. the Clergy. This Sermon deserves the more Attention, because it came from a Doctor at *Prague*, who, being an Adversary to *John Hus* and *Jacobel*, explain'd himself, in relation to the Clergy, with as much Freedom as *John Hus* could have done himself. Among other Particulars of this Sermon, *Maurice* therein represents to the Cardinals, that the Red Hat having been only confer'd upon them, to give them to understand that they ought to support the Interests of the Church to the last Drop of their Blood, the Fear of what Man can do ought not to deter them from doing their Duty in the Election of Popes. Among the Disorders of the Clergy, he insists particularly upon Simony, which he looks upon as the principal Source of the Schism. He differs widely from the Opinion of those who pretend that the Pope, being Lord and Master of the Church Revenues, can never be guilty of Simony. On the contrary, he only looks upon the Pope as the Dispenser and Steward of those Revenues, and by branding, as he does, all Persons who are guilty of Simony, with the Appellation of Hereticks, he furnishes the Council with a good Argument to justify the deposing of *John* XXIII. and *Benedict* XIII. who were both great Simonists, and by consequence Hereticks, and worthy of being deposed even according to the Canon Law. But above all, he observes, that the Council is the more concern'd to extirpate Simony entirely, because 'tis the common Opinion that *John Hus* was only put to Death for having preach'd strenuously against that Disorder. Nevertheless, he looks upon this Opinion of the Publick to be Heresy.

*Dispensatorem & Villicum.*

THE new Elector of *Brandenbourg* stickled hard too for the Reformation before the Election of a Pope. He had been taught, by long Experience, how mischievous the Irregularities of the Clergy had been to *Germany*. *They*, says he, *who are established to take Care of the Churches, interfere to a Man almost in secular Affairs, and only spend the Revenues thereof in their own Diversions. They make so many new Purchases every Day, that at last they will get all the Land in their own Clutches, and they have even already usurp'd a considerable Part of the Empire.* He proposed the issuing of a Decree by the Council to forbid the Clergy of *Germany* to buy Lands for the Time to come. He made so vigorous a Stand against the Cardinals who were for chusing a Pope before the Work of Reformation, that they desired a Safe-Conduct of him to withdraw from the Council; but he refus'd it, and told them that the College of Cardinals had no Right to dissolve a Council, or to transfer it, because it appertain'd to the Emperor to call a Council, not only in a Time of Schism, but at any other Time, in quality of Advocate and Defender of the Church (*a*).

(*a*) *Gundling, ubi supr.*

XXXVIII. THE

XXXVIII. THE only Buſineſs appointed for the XXXIIId Seſſion was, to hear the Report of the Commiſſioners appointed for the Tryal of *Benedict* XIII. The Cardinal *de Viviers* preſided in it as uſual, and the Emperor was preſent at it, accompany'd by the Electors and Princes of the Empire. The Elector of *Saxony* carry'd the Sword, the Elector *Palatine* the Apple or Imperial Globe, and *Frederick* Elector of *Brandenbourg* the Sceptre. After the uſual Ceremonies, the Cardinal *de St. Mark*, in Behalf of his Collegues, made a Report of his Commiſſion, and repreſented, that having ſeveral times ſummoned *Benedict* to no purpoſe, they had examined all the Articles exhibited againſt him, and taken the Depoſitions of a great Number of Witneſſes, Cardinals, Patriarchs, Archbiſhops, Biſhops, Prelates, Doctors, and other Perſons of a different Character. That afterwards all the Acts and Regiſters were produced to them in due Form, which ſerv'd to prove thoſe Accuſations, and that they were ready to give an Account of them more at large, if the Council thought fit. After this Report was made, an Apoſtolical Curſitor coming in to tell the Aſſembly that *Benedict* had again been ſummon'd, and that he did not appear, nor any body for him, *Henry de Piro* and *John de Scribanis*, Proctors of the Council, mov'd that he might be declared an Outlaw, and ſummon'd once more. Upon this, the Preſident of the Council deputed two Cardinals, one Archbiſhop, three Biſhops, and a General of the Order, with two Prothonotaries, to cite him again. After they were return'd, the Proctors of the Council made freſh Inſtances that *Benedict* might be declar'd an Outlaw, and that a certain Time might alſo be appointed him to make his Defence; and they demanded, that the Acts, Regiſters, and other Pieces againſt him, might be laid open for Peruſal, and that they might have Copies of them. Which having been unanimouſly granted, the Biſhop of *Dole* read a Decree, whereby the Council declar'd *Benedict* an Outlaw, order'd all the Deeds produced againſt him to be made publick, and allow'd him till the 15th Inſtant to come and make his Defence in Perſon.

1417. SESSION THIRTY THIRD. *May* 12. *V. d. Hardt*, T. IV. p. 1311, 1312.

XXXIX. HE was therefore ſummon'd once more upon the 15th, and upon his Non-appearance, his Outlawry was repeated, and the Commiſſioners reſolv'd unanimouſly *viva voce*, and without any other Formality, that no longer Delay ſhould be granted him. But probably there were ſome Members who murmur'd at the ſhortneſs of the Term, which was now limited for his Defence, becauſe on the 21ſt the Commiſſioners being again aſſembled, came to another Reſolution for the greater Precaution, and *ex abundanti*, and, in order to obviate all manner of Complaints and Cavils, to grant him till the 25th to make his Defence, which was the laſt Day of his being ſummon'd.

*Benedict* is ſummon'd. *May* 15. *May* 21. *May* 25.

XL. MEAN

1417. XL. MEAN time, the Cardinals held frequent Aſſemblies to conſider of the Method for proceeding to the Election of a new Pope, as ſoon as *Benedict* ſhould be depoſed. It has already been obſerv'd elſewhere, that various were the Opinions concerning the Order to be purſued in the Affair of the Reformation of the Church. The Emperor, the *Germans*, and the *Engliſh*, not thinking it poſſible to ſucceed if they ſhould defer the Regulation of it till after the Election of a Pope, were for putting off the Election till the Council had made proper Regulations for the Reformation of the Church in its Head and Members. But the Cardinals, who were in this Point ſeconded by the other Nations, were not for touching upon one Article of the Reformation till a Pope was choſe, under Pretence that it was the Buſineſs of the Head of the Church to reform it. The *Caſtillians* eſpecially refuſed to unite with the Council till the manner of proceeding to the Election of a Pope was ſettled. This Affair was debated *May* 29, in the Preſence of the Emperor, to whom the Cardinals preſented a Plan for the Election. In this Plan they propoſed, 'that for this Time only, 'and without Conſequence for the future, each Nation ſhould nomi-'nate the like Number of Prelates, and other Eccleſiaſtical Perſons, 'as the Cardinals, and not more, to proceed with them to the Election 'of a Pope. That the Election ſhould not be valid if it was not ap-'prov'd by the Suffrage of two thirds of the Cardinals, and two 'thirds of the Deputies of the Nations. That the Prelates, and 'other Electors deputed, ſhall, as well as the Cardinals, obſerve all 'the Apoſtolical Conſtitutions, Cuſtoms and Regulations, which had, 'till then, been followed in the Election of Popes. That all the 'Electors, as well the Cardinals as the Deputies, ſhall promiſe, upon 'Oath, to behave in this Election without Partiality, without Paſſion, 'without Regard to Nations or Perſons, and without any other View 'than the Welfare of the Church. And that, finally, this Election be 'made by the Approbation and Decree of the Council, who ſhall re-'dreſs Irregularities in the Election, if any there happen.

Aſſembly of the Cardinals concerning the Election of a Pope. *Walſ. Hiſt. Comp. Chron.* p. 59 *Act. & Geſt.* p. 253.

*May* 29 *V. d. Hardt*, T. IV. p. 1330. and T. II. p. 586.

THE Deputies of the Univerſity of *Cologn*, at the Council, frequently ſpeak in their Letters of theſe Diſputes between the Cardinals and Nations concerning the Manner of proceeding in the Election of a Pope; and they mention the Propoſal of the Cardinals almoſt in the ſame Terms as above. One of thoſe Letters, among other Particulars, reports a very obſtinate Controverſy between the *Arragoneſe* and *Caſtillians*. The *Arragoneſe* being the firſt that came, had obtain'd a Decree of the Council, which gave them the Sanction of being reputed as the *Spaniſh* Nation in the Council, upon their engaging to make the *Caſtillians* conſent to it, when they ſhould arrive. But the latter vigorouſly oppoſed it, and pretended that the Kingdom of *Caſtille* was bigger than all the Kingdoms of *Spain*. The Council

and

and the Emperor uſed all their Efforts, in vain, for the amicable Accommodation of this Difference; for the Determination of which, they were obliged to appoint Commiſſioners. The Letter ſays, that this Affair would be ended in a few Days, and that immediately after they hoped to go upon the Reformation of the Church (1). 1417.

XLI. NEXT Day, being *Whitſunday*, the Cardinal of *Cambray* made a Diſcourſe, in which he ſtrenuouſly recommended the ſaid Plan, tho' it was not univerſally approv'd of; nor particularly by the Emperor and the *Germans*, who were againſt the Cardinals having ſo great a Share in the Election of a Pope, becauſe it was very plain, from former Elections, that the generality of them had been the Cauſe of ſo long and violent a Schiſm. The Cardinal of *Cambray* ſpoke with no little Vehemence againſt the Opinion of ſuch as were for putting off the Election of the Pope till the Articles of the Reformation were ſettled; upon which, there enſued very tedious and very ſharp Debates. But 'tis not ſtrange that the Cardinal of *Cambray* had the ſaid Plan of Election ſo very much at Heart, for it was he that drew it up. The Cardinal of *Cambray's* Diſcourſe on that Subject. *May* 30. *V. d Hardt*, T. IV. p. 1331.

XLII. IT does not appear that the Emperor was preſent at the XXXIVth Seſſion; nor do the Acts name any Princes there but the Elector of *Brandenbourg*, and *Henry* Duke of *Bavaria*. After the Litanies, and the uſual Prayers, they read the Goſpel at the *Parable of the Marriage*, which tally'd perfectly with the Plan for depoſing *Benedict*. Then the Cardinal *de St. Mark*, after having preach'd a Sermon upon theſe Words, *For the Time is come that Judgment muſt begin at the Houſe of God*, made an exact Report of the Commiſſion which had been granted to him, and the other Commiſſioners, to prepare Matters for this Pope's Tryal. The Biſhop of *Dole* publickly read the Accuſations which had been publickly laid before the Council in the foregoing Seſſion, but had not as yet been read there; and the Biſhop of *Litchfield* read the Proofs of thoſe Accuſations. After this, the Biſhop of *Concordia* read a Decree, importing, that the Council approv'd of every thing that the Commiſſioners had done, and that nothing more remain'd than immediately to ſummon *Benedict* to hear his Sentence. SESSION THIRTY FOURTH. *June* 5. *V. d. Hardt*, T. IV. p. 1331.

XLIII. THERE was no more Time to be loſt for ſettling the Matters that were to be treated of in the Council after the depoſing of *Benedict*. With this View, the Nations held frequent Aſſemblies, and the Cardinals made a mighty Pother for electing a Pope without Delay. The Emperor had already more than once declared his Mind concerning the Order neceſſary to be obſerved, which was firſt of all to depoſe Controverſy about the Reformation of the Church, and the Election of a Pope.

(1) *Marten Anecd.* T. II. p. 1678. The Letter is dated *July* 26. It takes Notice that the Bloody Flux began to ſpread at *Conſtance*.

1417. poſe *Benedict*, in the ſecond Place to reform the Eccleſiaſtical State, and finally to chuſe a new Pope. But he was thwarted in this Deſign with invincible Obſtinacy: And there was ſuch a Clamour and ſo much Heat about it in an Aſſembly of the Nations, which was held *June* 16. upon the 16th of *June*, that the Council was on the Point of being entirely diſſolv'd. This Diſcord was chiefly fomented by the *Caſtillians*, who ſtill had a ſecret Kindneſs for *Peter de Luna*, and refuſed to joyn the Council till they had regulated the Method for the Election of another Pope. The Aſſembly having broke up, and done nothing but wrangled with very great Bitterneſs and Confuſion, met again the ſame Day to reconcile Animoſities, and to prevent the Rupture of the Council; at which Time there was ſuch an Appearance of ſo many wiſe and learned Men, and there were ſo many amicable Conferences betwixt the Nations, that at laſt the *Caſtillians*, to the great Satisfaction of the Emperor and the Council, promiſed to unite.

The Emperor ſolicits for the Reformation of the Church before the Election of a Pope.

XLIV. THE Nations being again aſſembled next Day, the Emperor renew'd the Propoſal he had made ſeveral times to proceed to the Reformation of the Church and Court of *Rome* before the Election of a new Pontiff. *Schelſtrate* (*a*) even ſays, that he inſiſted ſo ſtrenuouſly upon that Point in this Aſſembly, that the *French* loudly complain'd he debar'd the Council of that Freedom which he had ſo ſolemnly promiſed to all the Members. However, I can't but think this Complaint was not very juſt; and that the *French*, who made it, were to blame, becauſe it was denying the Emperor, the *Germans*, and the *Engliſh*, the Liberty they took themſelves, and which, in ſhort, all the Nations ought to have, of declaring their Sentiments on the Method of proceeding in the Council. It will alſo appear ſtrange to hear ſuch a Complaint come from the *French*, who had the Reformation of the Popes and their Court very much at Heart, and had deliver'd their Minds upon that Article with more Vehemence and Liberty than any other Nation. Did not they therefore foreſee that when once the Pope was choſe, he would manage the Reformation juſt as he pleaſed, and would find Means to ſhuffle it off, as happen'd at the Council of *Piſa*? Moreover, in all Appearance, the Animoſities on both Sides were heighten'd. The Emperor acted, perhaps, with too great Authority, to the Diſguſt of a Nation, naturally proud, though at that Time pretty much humbled. It may alſo be conjectur'd, that the *French* were over-reach'd by the Artifices of the Cardinals and a great many Prelates, who dreaded nothing ſo much as too ſevere a Reformation. Theſe Diſputes, however, did not prevent the holding of a publick Seſſion next Day.

*June* 17. (*a*) *Schelſtr. Comp Chron.* p. 60.

SESSION THIRTY FIFTH. *June* 18.

XLV. THE Union of all the Nations was an Affair of too great Importance to the Council for them longer to defer the Solemnity of uniting with the *Caſtillians*. *Benedict* XIII. would have made a Handle of this

this to interpret his being depoſed, as an Effect of the Paſſion of his Enemies, and the Diſaffected would infallibly have pick'd a Quarrel with the Council upon this ſcore, and have treated it as no better than a Conventicle. It appears indeed, by the Acts, that no Seſſion was ſpent with ſo much Solemnity and Demonſtrations of Joy as this, in which the *Caſtillians* united with the reſt of the Nations to acknowledge the Council. The Ambaſſadors of *John* King of *Caſtille* and *Leon* being therefore introduc'd, declar'd that they were come to the Aſſembly with theſe three Views; in the firſt Place, to convoke the Council of *Conſtance*; ſecondly, to unite with it; and in the third Place, to confirm their withdrawing from the Obedience of *Benedict*, and alſo to ratify the Capitulation of *Narbonne*. After this Declaration, *Peter de Lembourg*, a Licentiate of Laws, read the King of *Caſtille*'s Letter of Attorney in publick. It was dated the 24th of *October*, 1416, and ſign'd with the very Hand of Queen *Catherine* Mother to the King, and Regent of the Kingdom, as well as by the Archbiſhop of *Toledo*, Primate of both *Spains*, and Great Chancellor of *Caſtille*. This being done, *Lewis de Valladolid*, a Dominican, one of the *Caſtillian* Ambaſſadors, read the Act of Convocation of the Council, which concluded in theſe Terms: *By Virtue, and in Purſuance of the* Narbonne *Capitulation, we convoke all the Prelates and Lords who are in this Aſſembly.* Then the Archbiſhop of *Milan* accepting this Summons, in the Name, and by the Order of the Council, he read the third Article of the *Narbonne* Capitulation, importing, *that when thoſe of* Benedict's *Obedience were come to* Conſtance, *they ſhould be united to the Council, ſo call'd by thoſe who own'd it for ſuch, in order to form a general Council.* Whereupon, *Lewis de Valladolid* read theſe Words: *We Ambaſſadors and Proctors*, &c. *in the Name of* &c. *We unite to you, according to this Article of the* Narbonne *Capitulation, approving and commending whatever has been done againſt* Benedict, *ſince the Union of the* Arragoneſe, *as much as if we had then been united to the Council.* The Archbiſhop of *Milan* having anſwer'd this Act, by the reading of a reciprocal Act, the Cardinal *de Viviers* pronounced the *Placet* in the Name of the whole Aſſembly. The ſame Formalities were obſerved for the Union of *Don Henry* Infante of *Caſtille*, and Grand Maſter of the Order of St. *Jago*, who had alſo ſent his Proctors to the Council. After this ſolemn Act, which concluded with a *Te Deum*, the Cardinal *de Viviers* reſuming his Place as Preſident, they perform'd the Ceremonies cuſtomary at all the Seſſions. Then the Archbiſhop of *Milan*, accompany'd with *Lewis de Valladolid*, ſolemnly confirm'd the *Narbonne* Capitulation; after which, the whole Council ſolemnly ſwore to obſerve it, which was perform'd in this Order. An Apoſtolical Prothonotary, and another Officer of the Court of *Rome* laying his Hand upon the Goſpels, turn'd on the Right, firſt

1417.

*V. d. Hardt, T. IV. p.* 1556

1417. to the Emperor, and then to all the Cardinals, the Archbishops, Bishops, and other Prelates, and to the Ambassadors of the Kings and Princes, and made them take the Oath. The Clergy swore by laying their Hands on their Breasts, and the others by touching the Gospels, to observe all the Articles of the *Narbonne* Capitulation in general and in particular. Another Prothonotary, accompany'd with an Auditor of the *Rota*, did the like, at the same Time, on the Left-hand.

WHEN they were all sworn, *Henry de Piro*, Proctor of the Council, stood up, by Order of the Emperor, and made Proclamation, in his Name, with a loud Voice, that if any Man had Power and Letter of Attorney from the Prince and Count *d'Armagnac*, he might declare it. Whereupon *Gerson*, Chancellor of the University of *Paris*, and Ambassador of *France*, made Answer, that the Ambassadors of the most Christian King had Assurances in Writing, that the Count *d'Armagnac* would conform to every thing that the King his Master should do. But *Henry de Piro* protested, in the Emperor's Name, that as there appear'd no Full Power from the Count *d'Armagnac* himself, he did not think him sufficiently engaged by the Declaration of *Gerson*. Thereupon the Proctor protested publickly against the Count *d'Armagnac*, considering the Oath he had taken to perform the *Narbonne* Treaty.

*V. d. Hardt*, T. IV. p. 1349.

THE *Castillians* had nothing more to do than to confirm and approve the King of *Arragon*'s withdrawing himself from *Benedict*'s Obedience. To this end, the Archbishop of *Milan* read a Decree of the Council, annulling all the Oaths taken in *Castille*, not to withdraw from the Obedience of *Benedict*, as being contrary to the Union of the Church. After this, the Ambassadors of *Castille* approv'd and renew'd the withdrawing made at *Perpignan*, and deliver'd the Letters to that Effect from the King their Master and the Queen Mother. The Ceremony and Session concluded with a Sermon of the Frier Predicant *de Valladolid*, and by the Mass, which was celebrated by the Patriarch of *Antioch*.

*V. d. Hardt*, T. IV. p. 1351.

The Count *d'Armagnac.*

XLVI. HAVING spoke of the Count *d'Armagnac* in this Session, it will not be improper to give a History of a Personage, who acted so considerable a Part as he did in that Century. *Bernard* II. Count *d'Armagnac* in 1405 marry'd the Daughter of the Duke of *Berry*, and at the same time signaliz'd his Valour against the *English*. He was made Constable of *France* in 1415, in the room of *Charles d'Albret*, kill'd at the Battle of *Azincourt*, and at that time he manag'd all Affairs of the Kingdom with soveraign Authority, to the great Mortification of the Duke of *Burgundy* his sworn Enemy, if not to the Prejudice of the publick Tranquillity: For they say that he always thwarted the Peace between the Princes of the Blood, as well as that between *France* and *England*.

*Juven. des Ursins*, p. 291.

*England*. I don't know what were his Reaſons for not ſending his Proctors to the Council as did all the reſt of *Benedict* XIII's Obedience. Perhaps this Pope had another ſecret Party in *France*, where the Depoſing of *John* XXIII. had given Diſguſt as has been obſerv'd elſewhere, and poſſibly there might be Perſons in that Kingdom who endeavour'd ſecretly to hinder the Council from going on ſo faſt with regard to *Peter de Luna*. Moreover, the Duke of *Burgundy* had been in cloſe Alliance with *Sigiſmond*, the principal Inſtigator of the Depoſition of *Benedict* XIII, and the *Count d'Armagnac* needed no other Plea to oblige him to defer his withdrawing from that Pope's Obedience. However it be, the Duke of *Burgundy* did not ſlip this Opportunity to render his Antagoniſt ſuſpected in the Government; as to which, among *Gerſon's* Works, I find a Letter from this Duke which I will inſert entire. It is not very long, and may be entertaining to ſuch as love to ſee Original Pieces. 'Tis directed to this Duke's Ambaſſadors at the Council, and worded as follows * (1). The 'Kings of the *Romans*, and of *England*, have lately acquainted us by 'Writing, that they are inform'd that the Count *d'Armagnac*, and his 'Accomplices, endeavour by ſtrange underhand Practices to reduce 'the King and his whole Kingdom to the Obedience of *Peter* 'de *Luna*, in order to reſtore and re-eſtabliſh him, *Peter de Luna*, 'in the Papal Seat, of which, by a Decree of the Catholick Church, 'and for a juſt and reaſonable Cauſe, he was long ago deem'd unworthy, and as ſuch then diſplac'd, and even ſince that time by the Declaration of all the Clergy of the Kingdom, and of us who have all

1417. Mereray Abridg. *Chron.* T. III p. 594, 595. Windek *Hiſt. Sigiſm.* cap 146.

*Gerſ.* T. V. p. 672.

* The Original runs thus in the Old *French*:

'Les Rois de Romains & d'Angleterre nous ont de nouvel eſcrit & fait 'ſcavoir, que le Comte d'Armignac, 'et ſes complices, ainſi qu'ils ont entendu, s'efforcent par voyes eſtraignes, & 'foultines, de reduire Monſieur le Roi & tout ſon Royaume à l'Obeiſſance 'de Pierre de la Lune, pour icelui Pierre de la Lune reſtituer et remettre en l'etat de Papalice, duquel deſpieca par l'Ordonnance de l'Egliſe Univerſelle, & pour juſte & raiſonnable cauſe, a eſte indigné, eſt comme tel deſpointié, & depuis meſmement par la declaration de tout le Clergé du Royaume, & de nous qui touſjours avons contendu à tenir bonne Paix & Union, tant en l'Egliſe, comme au Royaume, & qui autrefois avons conſenti & accordé tout 'ce qui a eſte fait par l'Ordonnance du 'Clergé de ce Royaume. Nous conſiderans les inconveniens & troubles, 'qui, à cauſe de telle enterpriſe, pourroient advenir en ſainte Egliſe, & toute la Chreſtienté, ne voulons point que 'en telle matiere ou nom de nous procedez en quelconque maniere, ſans le 'conſent & bon gre des Ambaſſadeurs 'des dits Rois des Romains, & d'Angleterre eſtant au Saint Concile de 'Conſtance, & ſur ce n'avez autre mandement de nous, & dont nous appert, en 'induiſant à ce tous autres que trouverez 'affectez à nos faiz et deſignes, ainſi que 'ſcavez & trouverez à faire pour le mieux, ſans aucunement y fallir, Reverends Peres en Dieu, nos chers & bien amez, le Saint Eſprit vous ait en ſa 'benoite garde. *Eſcrite en notre Ville de L'Isle le 26 jour d'Aouſt.*

1417. 'along contended for preserving the good Peace and Union both of 'the Church and Kingdom, and who heretofore consented and a- 'greed to every thing that was done by Order of the Clergy of this 'Kingdom: We considering the Inconveniencies and Troubles, which 'by reason of such an Attempt may accrue to the Holy Church, and 'all *Christendom*, are not willing that ye shou'd in any wise pro- 'ceed in this Matter, or in our Name, without the Consent and good 'Pleasure of the Ambassadors of the said Kings of the *Romans* and of '*England*, at the sacred Council of *Constance*. And upon this you 'have no other Command from us that we know of, but fail not to 'prevail upon all others, that ye shall find affected to us and our Concerns, 'to do the same, as ye shall know and judge for the best, Reverend Fa- 'thers in God dearly and well beloved, may the Holy Spirit take you 'into his blessed Keeping. *Written in our City of Lisle the 26th Day of* 'August. *Monstrelet* relates another particular in this Affair which I don't find in the *Acts*, viz. That the College of Cardinals deputed a Doctor, whose name was *Lievin Nevelin*, to the Duke of *Burgundy*, to implore his Assistance, and to let him know that all *Christendom* was join'd, *excepting only one Grain of Corn in a Bushel*, that is to say, the Counts of the County of *Armagnac*. The Deputy of the Cardinals moreover acquainted the Duke, that he was sent to him by the Sacred College, not only as he was the Duke of *Burgundy*, but as the Man who represented the Kingdom of *France* and to whom appertain'd the Government, to make certain Prayers and Requests to him, and not *to the King*, *the Dauphin*, *the Count d'*Armagnac *nor the King's Council*; *not to the King*, *because he was engag'd in Business*, *and detain'd by some Indisposition*; *not to the Dauphin*, *because he was too Young*; *not to the Count d'*Armagnac, *because he was aban- don'd to the Schism*; *and not to the King's Council*, *because some of them were the said Count's Adherents*, *and by consequence suspected of Schism*. Nevertheless the Count *d'Armagnac* was not declar'd a *Schismatic* in this Session, nor did his Absence hinder them from proceeding with the Deposal of *Benedict*.

*Monstr.* T. I. p. 251.

Dupin's *Hist. of the Schism* p. 446.

In Father *Daniel*'s History of *France*, I meet with another Particular relating to the Duke of *Burgundy*, and the *Count d'Armagnac*, *viz.* That the Duke sent to the principal Cities of *France*, a Letter, which he pretended to have receiv'd from the Council of *Constance*, and which was directed to him as Regent of the Kingdom, to exhort him to contribute with all his Power to the Union of the Church: *The Council*, said he, *not having thought fit to apply to the King*, *because he was sick*; *nor to the Dauphin*, *because he was too Young*; *nor to the* Count *of* Armagnac, *because the States of the said Lord still own* Peter de Luna (*a*). But the Constable *d'Armagnac* was deposed from that Employment this Year, by *Isabel* Queen of *France*, who assum'd the Regency of the Kingdom, and put the Duke of *Lorrain* in his place (*b*).

(*a*) Tom. III. p. 557.

(*b*) Father *Daniel ubi sup.* p. 889

XLVII. THE Emperor ſtill perſiſted with the *Germans* and the *Engliſh*, in a Reſolution to regulate the Reformation of the Church, before the Election of the Pope, notwithſtanding the Oppoſition of the Cardinals, the *Italians French* and *Spaniards*. Upon this, *Stephen* (1) of *Prague* Profeſſor of Divinity made a Speech which is worthy of being perpetuated to Poſterity, becauſe of the Freedom with which he expreſs'd himſelf upon the Irregularities of the Clergy, and in particular againſt the horrible Simony practis'd at that time, by which Subjects that had neither Merit nor Capacity were advanc'd to the higheſt Poſts in Church: *Is it juſt*, ſays he, *for Fools to preſide, and for wiſe Men to obey; that Boys ſhou'd command, and Grey-Hairs be their Lackeys; that Ignoramus's ſhou'd have the Charge of the moſt delicate Affairs, and Scholars not dare to open their Lips; that Grooms ſhou'd be prefer'd to Doctors and the Preachers of God's Word? That's the Fruit of Simony.* In this Speech he diſcovers a great Zeal for the Extirpation of Hereſy, and even indirectly accuſes the Council of not being ſo earneſt upon this Head as on the Affair of the Union. *Majus et salubrius esset fidei Christianæ quam diversarum Obedientiarum occurrere scissuris*; *i. e.* It wou'd be of greater Importance and Service to Chriſtianity, than attending to the Schiſms of the ſeveral Obediences. This Reproach can only be aim'd at the Delays of the Council in condemning the Errors of *John Petit*, becauſe that Aſſembly did not want Vigor againſt the other Hereſies real or imaginary. Which way ſoever it was intended, as he look'd upon the Council to be ſuperior to the Pope and to the College of the Cardinals, he ſtrenuously exhorts the Fathers to labour for the Reformation of the Church without waiting for the Election of a Pope. 1417. Sermon of a Doctor at *Prague*, touching the Reformation, *June* 27.

XLVIII. THIS Diſcourſe of *Stephen* of *Prague* alarmed the Cardinals and thoſe among the Nations, who, like them, were for ſuſpending the Reformation of the Church, and proceeding forthwith to the Election of a Pope. It was for this end, that in a general Aſſembly of the Nations, the *Italians*, *French*, and *Spaniards*, in concert with the Cardinals, preſented a Memorial to the Emperor, whereby they ſolicited a Decree of the Council concerning the manner of chuſing a Pope; and at the ſame time aſſerted, *That the Emperor had no Right to preſcribe any thing in Eccleſiaſtical Affairs.* There ſeems to be ſome contradiction in this Memorial; for if the Emperor had not a Right to intermeddle with Eccleſiaſtical Affairs, how came they to apply to him for obtaining a Decree of the Council, in an Affair which without diſpute is intirely Eccleſiaſtical? It may be ſaid perhaps, that the Emperor The Election of the Pope, is ſolicited before the Reformation. *Schelſtr.* Comp. *Clem.* p. 60. *June* 28. *V. d. Hardt*, T. IV. p. 1534.

(1) 'Tis not improbable that this was *Stephen Palatz*, who was *John Hus*'s Adverſary, *V. d. Hardt*, T. I. *Part* 16 p. 822.

1417. peror had only a Right of ſoliciting the Council, and of repreſenting what he thought moſt proper for the Welfare of the Church, but not of deciding any thing. But I don't think the Emperor pretended to any thing more; for tho' nothing ſcarce was done without him, yet we don't find that he made any Deciſion in Matters of Faith and other Affairs which may fall under the Cogniſance of an Eccleſiaſtical Aſſembly. As he was Protector of the Council, he ſupported them upon occaſions where his Protection was neceſſary; he employ'd his Authority for bringing back *John* XXIII; he declar'd his Opinion concerning *John Hus*, after the Doctors had determin'd his Affair; he labour'd for the Reconciliation of differing Parties; yet in all this he did not thruſt his Sickle into other Men's Corn. As he thought it was of more Service to the Church to reform it before the Choice of a Pope, he us'd his Intereſt with the Nations to engage them to obſerve the ſame Order rather than any other, but only by way of Repreſentation, and perhaps with more Zeal and Vigor than the Cardinals wou'd have wiſh'd. But when all's done, ſince they themſelves apply'd to him to act towards the Council in favour of the Method of Proceeding which to them ſeem'd moſt conducive to their Intereſts, 'tis clear that by eſtabliſhing his Right to the one, they eſtabliſh'd it at the ſame time to the other. Be it as it will, this Affair was again debated in this Aſſembly with great Heat, but nothing was concluded.

Publick Devotions for obtaining a happy Election.

*July* 2.

XLIX. NEVERTHELESS, the Cardinals deſiring the Emperor, ſome Days after, to order publick Devotions for obtaining the Bleſſing of Heaven upon the Election for the Good of the Church, he conſented, and commanded the Magiſtrates of *Conſtance* to publiſh thoſe Devotions for the *Sunday* following. Methinks, the Emperor was a little too complaiſant upon this Occaſion; for thoſe publick Prayers for the Election of a Pope were a Plea in favour of the Cardinals Pretenſion. If the Emperor had been to order publick Prayers, it ought to have been rather for obtaining a good Reformation. This Affair being of no leſs Importance than that of the Election, there was as great Neceſſity for imploring the Aſſiſtance of Heaven in it; and becauſe the Emperor was willing it ſhould precede the other, it was of Importance alſo to make Preparations for it in the firſt Place. But either he did not foreſee the Conſequence of it, or he could not reſiſt the Importunity of the Cardinals; or, in fine, he flatter'd himſelf that it would never be too late to oppoſe their Intrigues. But hereafter we ſhall find that he was miſtaken.

Sect of the *Flagellants*.

L. IT was much about this Time that the Buſineſs of the *Flagellants* was brought upon the Stage at *Conſtance*; of which Sect 'tis neceſſary to give the Origin and Progreſs, before we relate what was reſolv'd upon in their Affair by the Council. *Baronius* ſays, that it was towards the middle of the eleventh Century that the *laudable Cuſtom*,

*Baron. Ann.* T. XI. n. 8. p. 1056.

as

as he calls it, was introduced of People's whipping themselves from a Principle of Penance. But the learned Author of the *History of the Flagellants* has prov'd very plainly, that this Custom was then neither general nor authorised, and that it was even contradicted and blamed by many Friers of most distinguished Piety. The Frenzy of whipping, by Degrees, got such Footing in the thirteenth Century, that People of all Ranks and Conditions abandon'd themselves to this cruel and rash Superstition; insomuch, that at length they form'd themselves into a Sect, which, for a long time made a great Noise and Devastation in the World, under the Name of *Flagellants*, or *Brothers of the Cross*. Authors are well enough agreed in fixing the Rise of them at 1260, and the first Scene of their Appearance at *Perousa*, where a certain Monk, whose Name was *Reinher*, compassionating the Calamities of *Italy*, which was distracted by the Factions of the *Guelphs* and *Gibelins*, invented this sort of Penance to appease God's Wrath. 'Tis very probable, that this is the same *Reinher*, who was intended by an anonymous Author that wrote during our Council against the Communion in both kinds. He says, that *Reinher*, a Dominican, had been a Heretick for seventeen Years, and that, after his Conversion, he drew the Characters, by which actual Hereticks might be distinguished from such as only lean'd towards Heresy. These Characters fit the *Flagellants* very well, tho' the anonymous Author applies them to the *Hussites*. For these Characters we refer back to our History (*a*).

1417.

*Boileau's History of the Flagellants, cap. 7.*

*Ibid. ubi sup. cap. 12. Avent. Ann. Ann. Boiorum VII. p. 608. Schetting. de Secta Flagell. p. 77. V. d. Hardt, T. III. p. 664.*

(*a*) Vol. I. 279.

THE Sect of *Flagellants* quickly overspread all *Italy*; from whence it pass'd into *France*, *Germany*, *Bohemia*, *Hungary*, *Poland* and *England*. Historians are not less agreed in the Description they give of the *Flagellants* than in the Article of their Original. The most remarkable Particulars which they relate of them, are in Substance these. People of all Characters, Conditions, Ages and Sexes, scower'd the Country from Town to Town by thousands, and sometimes to the Number of ten thousand at a Time, having Priests at the Head of them, who carry'd the Banner and the Cross; from whence they were also call'd the *Flagellant Cross-Bearers*. They march'd two and two, or three and three, in the Order of Procession, with their Eyes fix'd on the Ground, and quite naked to the Waste, having nothing but a Linen Rag to cover the rest of their Bodies, and veiling their Faces, that they might not be known; though *Gerson* says, this was only done by some of them. There are Authors who say, they wore red Caps. They had each a Scourge in their Hands full of Knots, and tipp'd with Iron, with which they lash'd their Shoulders and Breasts till the Blood came, while they shed Torrents of Tears, and utter'd lamentable Cries to implore the Mercy of God, and the Help of the Holy Virgin. No Rains nor Fogs could stop them in their Course. They fell on their Knees in the midst of Mud and Nastiness, especially when

*Engelst. Chron. p. 253. Dlugoss. Hist. Pol. VII. p. 364 & 394. Ballin. Epit. Rer. Bohem. p. 360. Gers. ap. V. d. Hard. T. III. p. 1001. Schetting. p. 42. Avent. ubi sup. Dubrav. Hist. Bohem. p. 433.*

1417. when they pronounc'd the Name of Jesus Christ; and they not only spent the Days in this painful Discipline, but the Nights too very often by the Light of Tapers. When they came to any Town, the Bells were rung to receive them, and to stir up the People to Devotion. They went first into the Church-yards and then into the Churches, where they sang Hymns, which were altogether Pious and Christian; but it may be imagin'd that such a Medley of all manner of Nations, who bawl'd out as loud as they could in all manner of Languages, did not make the most melodious Harmony. The Women exercised their Bodies with the same Severity, but only in their Houses; tho' *Gerson* seems to insinuate that there were Women also in these Processions, who went as naked as the Men. After they had thus lash'd themselves thirty three Days and a half, according to the Number of the Years of Jesus Christ's Humiliation, they went their Ways Home in firm Belief that they had obtain'd Remission of their Sins, till some Occasion induced them to renew their Penance. To the end that they might not be a Charge upon the Publick, every one contributed about Half a Crown a Day for the Maintenance of their Poor, though they did not refuse voluntary Gifts.

*Schelling*, p. 38, 39.

*Schelling*, p. 40

*Monach. Sti. Justi. Pad. ap. Boileau*, p. 627.

If we may believe an old Chronicle, these Devotions had at first very good Effects Instead of Musical Instruments and prophane Songs, there was nothing to be heard but sacred Hymns, which were sung with so much Fervency, that the most harden'd Hearts relented. The bittercst Enemies were made Friends, and the Restitutions made by Usurers and Robbers were the only Things talk'd of. The Pride of Life and the Lust of the Flesh were banish'd from both Sexes; Works of Mercy were exercised; Prisons were set open; Criminals were pardon'd; and Exiles were recall'd from Banishment. In a word, those *Flagellants* were impress'd with so great a Dread of God's Judgments, that every Soul was converted. Mankind was the more astonish'd at so rigorous a Penance, because, tho' not instituted by any Pope, nor even authorised by any Preacher of Reputation, it had nevertheless a supernatural Air, which made some think it was an Inspiration from Heaven, while others look'd upon it no better than a Suggestion of an evil Spirit. But I don't see the Necessity of having Recourse to supernatural Causes to account for this Event. 'Tis not surprising, that in an Age of Ignorance and Superstition, but especially at a Time when the Corruption was so general and so monstrous, especially among the Clergy, this sort of Frenzy should immediately captivate the Simple, and that insensibly by Infection it became more universal. However this be, it does not appear that at first the *Flagellants* were repoach'd for any thing but an extravagant and bloody Devotion, and the Presumption of setting themselves up for

*Avent ubi sup.*

for Authors of a new Discipline. But 'tis not to be doubted that Knaves and Hypocrites soon after crept in among them, who, imposing upon their Simplicity, made them commit all manner of Outrages. This was the Judgment which *Dubravius* form'd of them in his History of *Bohemia*. A Dominican, who lived at the Time of the Councils of *Constance* and *Basil*, has given a very terrible Character of the *Flagellants*, under the Title of *Beguards*, which was a Name given to them, and to many Sectaries of that Age. This is *John Nider*, in a Treatise of Visions and Revelations, first printed in 1517 at *Strasbourg*, and reprinted at *Helmstad* in 1692, upon a particular Occasion. 'Tis true, that this Author does not say the *Beguards* were guilty of flogging one another, undoubtedly because that having been call'd to Account, they abstain'd from that sort of Penance, or else practised it in secret. But he characterises them in such a manner, that they may easily be known. 'There is started up, 'says he, in *Swabia*, among many Persons of both Sexes, the Clergy 'and the Laity, a Heresy and a Hypocrisy so extravagant, that I 'am loth to represent it to the full, for fear of offending chaste Ears. 'These People think, that 'tis lawful to tell Lyes, to break Promises, 'and to put the most innocent Persons to Death, be it Father or 'Mother. They never fast but when other People feast. They eat 'Milk, Flesh and Eggs in *Lent*, work in secret upon Holidays, and 'spend the rest in Idleness. They have a hearty Contempt for all 'the Ceremonies of the Church, as the Works of Men that are Carnal and not Spiritual. They place all Virtue and Perfection in I 'know not what profound Contemplation, tho' they are themselves 'not only very sensual, but live together after the manner of Beasts, 'as I am very well inform'd, and even boast, that they have attain'd 'to so high a Pitch of Perfection, that they can be reproach'd 'with no Crime (1). Therefore they think it no Harm to disobey 'the Pope and the other Pastors of the Church. And, what is worse 'than all, they privately draw in Persons of Quality, Virgins and Widows, to be Partakers in their Disorders.

1417. *Dubravius*, p. 458. *Nider de Visionibus*, p. 337, 339, 348, 349.

THIS so incensed the Popes and several Princes against them, that *Clement* VI. and *Gregory* XI. anathematis'd 'em, and *Mainfroi* in *Sicily*, and other Princes of *Italy*, drove them out of their Countries, and would not permit them Entrance (*a*). The Emperor *Charles* IV. publish'd very severe Edicts against them. *Ottocarus* expell'd them from *Bohemia* (*b*). The Princes and Prelates of *Bavaria* banish'd them also from their Dominions. They found no better Quarter in *Poland*; and, at the

(*a*) *Italicum Chron. Mar. fascic.* p. 2. (*b*) *Dupin Bibl. Eccl.* 15 *Cent.* p. 172.

(1) Insuper in fervore coitus Maris cum femina, ubi etiam secundum Ethnicos ratio absorbetur & homo bestiis assimilatur, supremum contemplationem & raptum excellentissimum dicunt consistere; ob quam causam sibi mutuo ad nutum in his obtemperant quando libet.

1417. Solicitation of the University of *Paris*, *Philip de Valois* drove them out of *France*.

THIS general Combination againſt them ſtopp'd the Torrent for a while; but it ſoon after began again to break over the Banks, by Means of a Plague which raged throughout *Europe* about the Middle of the fourteenth Century (*a*). The Schiſm, which happen'd about the End of that Century, and which for many Years afflicted all Chriſtendom, contributed not a little, according to the Report of the Authors of that Time, to heighten this Frenzy, which the Severities of the Inquiſition, and the Authority of the Secular Powers, were ſcarce able to reſtrain. *Gobelin Perſona*, a cotemporary Author, ſays, that, at the Beginning of the Year 1414, the Inquiſitor of the Faith cauſed many of thoſe Miſcreants to be burnt at *Sangerhuſen* in *Thuringia*, at the Solicitation of the Markgraves of *Miſnia*. *Theodoric Vrie*, who was alſo an Eye-witneſs, has given a more particular Account than any other, of the Sect of the *Flagellants*, in his Hiſtory of the Council of *Conſtance*, but does not give the Dates of the Years. He tells us, that *Henry Schoneveldt*, Inquiſitor of the Faith in *Germany*, having made ſtrict Search after this Sect, cauſed fourſcore and eleven to be burnt at *Sangerhuſen*, and a great many more in ſeveral other Towns. He ſays, that the Patriarch of this Sect in *Germany* was one *Conrad Smith*, who died ſome Years before the Execution at *Sangerhauſen*. This Arch-heretick aboliſh'd all the Sacraments to make Way for that of *Flagellation*; and he pretended to be the Prophet *Enoch*, and to have Authority from God to paſs Judgment at the Laſt Day. His Fore-runner in this Whimſy was one *Begard*, who call'd himſelf *Elias* the Prophet, and was burnt at *Erford* towards the Middle of the preceding Century. The Errors charged upon them are, in Subſtance, theſe.

(*a*) *Mezeray Abr. Chron.* T. III. p. 227.

*Gob. Cognodr. Edit Meib.* T. I. p. 336.

*Vrie ap. V. d. Hardt*, T. I. p. 86, 87.

*Le Fevre.*

Doctrines of the *Flagellants*. *Vrie ubi ſupr.* p. 227. *Gob.* p. 336.

LI. THEY maintain'd, 1. That the Sect of the Friers of the Croſs, which had run about the World for about ſixty Years whipping themſelves, and ſinging, was authoriſed by Letters which the holy Angels brought to the Altar of St. *Peter*'s at *Rome*. 2. That from that Time God had abſolutely aboliſh'd the Pope, the Biſhops, the Prelates, all Prieſts, and the whole Evangelical Prieſthood, by reaſon of their Corruption, as Jeſus Chriſt formerly turn'd the Buyers and Sellers out of the Temple of *Jeruſalem*. 3. That ſince the Inſtitution of the Brothers of the Croſs, the Churches, Church-yards, the Water, Salt, Aſhes, Oyl, Chriſm, and every Thing made uſe of in the Sacraments, ought to be reckon'd prophane, becauſe there were no longer any Prieſts to conſecrate them. 4. That Churches were nothing more than Dens of Robbers; that Holy Water was mortal, becauſe it was mingled with the Sparks of Hell-fire; that the Prieſts, who adminiſter'd the Sacraments, conſign'd themſelves, and thoſe upon whom

whom they conſer'd them, to Deſtruction; and that the whole Office, which was ſung in the Churches, ought not to be reckon'd more holy than the howling of Dogs. 5. That the Baptiſm of Blood ſucceeded the Baptiſm of Water, and that this was typify'd by the Water which Jeſus Chriſt turn'd into Red Wine at the Marriage of *Cana*; from whence it follows, that there is no Salvation without this Baptiſm of Blood, perform'd after the manner of the *Flagellants*. 6. That the Sacrament of Confirmation is a Deluſion and a Cheat *(fraſa)*; and that the Jews who do not receive the Chriſm, have Souls and Beards as well as other Men (1). 7. That the Sacrament of Ordination is aboliſh'd with the Prieſts. 8. That neither God, nor the Body of Jeſus Chriſt, is really in the Sacrament of the Altar, becauſe, were it ſo, it would have been eat up long ago, tho' it were as big as the greateſt Mountain; and that moreover, Jeſus Chriſt, after his Reſurrection, having forbad *Mary* to touch him, becauſe he would no longer be in the Hands of Men who had done him ſo much Evil; it from thence follow'd, that he was not truly in the Euchariſt. That the Prieſts, whoſe Avarice has ruin'd the World, were more blameable than *Judas*, who, however, was not willing to give up Jeſus Chriſt for leſs than thirty Pieces of Silver, whereas they part with him for a Morſel of Bread, which is not worth one; that, in a word, the Sacrament of the Altar was but a mere Farce or Juggle of the Prieſts, *Altaris Sacramentum non eſt niſi* Kuckuck (2) *Sacerdotum*. 9. That Confeſſion is ſo far from being neceſſary, that he who confeſſeth himſelf to a Prieſt is no cleaner than if he was to ſcrub himſelf with a naſty dirty Sow; and that the Remiſſion of the moſt enormous Sins can only be obtain'd by *Flagellation*, and the Baptiſm of Blood. 10. That Indulgencies were of no Value, from what Hand ſoever they came. 11. That the Prieſt's Bleſſing, and the other Ceremonies in Marriage, inſtead of rendering it more honourable, only tended to debaſe it. 12. That *Flagellation* was of more Effect to a dying Man than a Pound of Oil pour'd out by a Prieſt for the Extreme Unction; and that this *Flagellation* was the true Wedding Garment. 13. That whoever partook of any of the ſeven Sacraments, committed a deadly Sin; that the Whipping of the Body till the Blood flow'd, in remembrance of the Paſſion of Jeſus Chriſt, ſupply'd the Place of all the Sacraments; and that without it, there had been no more true Chriſtians in the World. 14. That Jeſus Chriſt was typify'd by the Man wounded between *Jeruſalem* and *Jericho*, the Prieſts and all the Clergy by the Prieſt and the *Levite*, who paſs'd by without offering

1417.

(1) *Barbas & Animas*. 'Tis a *German* Proverb.

(2) *Kuckuck* means, in the *German*, the ſame Thing as the Word *Bopeep* which is uſed to Children when People cover their Faces with their Fingers expanded.

1417. to relieve him, or to ſympathiſe with him in his Sufferings; and the Sect of the *Flagellants* by the *Samaritan*, becauſe this Sect alone bears Jeſus Chriſt upon their Shoulders in the Act of *Flagellation*, and pays him worthy Honour by the Lord's Prayer and the Obſervation of the Ten Commandments, which are repreſented by the *Samaritan*'s Penny. 15. That Antichriſt had reign'd a long time, and that the Prelates and Prieſts, who perſecute the *Flagellants*, were that Antichriſt; that *Begard*, who was burnt forty eight Years ago at *Erford*, was *Elias*; that *Conrad Smith*, dead alſo a long time ſince, was *Enoch*, and that conſequently the laſt Judgment was at hand. 16. That God created all Souls at one Inſtant, and placed them in Paradiſe with the firſt Man, from whence every Soul is brought by an Angel into the Mother's Womb to animate her Child; and that when *Begard* and *Smith* were conceiv'd, the Angels gave to the one the Soul of *Elias*, and to the other that of *Enoch*; and that it would be *Conrad Smith*, and not Jeſus Chriſt, who ſhould judge the World at the Laſt Day. 17. That although all Oaths, after what manner ſoever taken, were prohibited; yet it were better that the *Flagellants* ſhould be ſworn and forſworn before the Inquiſitors, than that they ſhould betray themſelves and their Brethren, becauſe Perjury might be expiated by *Flagellation*. 18. That there was no Purgatory after this Life, and that conſequently the Prayers of the Living would ſtand the Dead in no ſtead; that Funeral Pomp only ſerves to pleaſe the Living, and to fill the Pockets of the Prieſts. 19. That the Adoration of the Croſs, and of the Images of the Virgin and other Saints, is Idolatry; that no Day ought to be obſerv'd but *Chriſtmas-day*, and that of the *Purification* of the Virgin *Mary*, and that the Obſervation thereof ſhould alſo be private; that the Faſts enjoyn'd by the Prieſts were not obligatory; and that the only Days of Faſting ſhould be *Friday*, *Chriſtmas-Eve*, and that of the *Aſſumption* of the Virgin *Mary*. 20. That when the *Flagellants*, in Obedience to the Prieſts and the Church, obſerv'd Holidays, worſhip'd Images, received the Sacraments, and conform'd to all the other Uſages, it was only to avoid the Inquiſition, but that they did Penance for it by *Flagellation*.

*URIE*, in his Hiſtory, which is written by way of Dialogue betwixt Jeſus Chriſt and the Church, makes Jeſus Chriſt ſay, that there no longer remain'd any Perſon of this Sect at the Time of the Council of *Conſtance*. This is not the only Miſtake in Fact of which that honeſt Frier makes Jeſus Chriſt guilty in his Hiſtory: For 'tis plain, that this Sect was far from being extinct, becauſe the Council conſider'd of Ways and Means to reclaim the *Flagellants*, and becauſe they had even penetrated into *Arragon*, being ſupported, at leaſt underhand, by the famous *Vincent Ferrier*, as we ſhall find by and by upon the Authority of *Gerſon*. 'Tis probable there were no more of them to be

ſeen

ſeen in *Thuringia*, or the Neighbourhood, or elſe they conceal'd and diſguiſed themſelves according to the laſt Article of their Principles. 1417.

IT was no eaſy Matter to make an End of this Sect: For, on the one hand, it was ſupported by Perſons of great Authority, not only among the Commoners, but among the Grandees: On the other hand, it had no viſible Head to come at, as the *Huſſites* had; therefore the *Flagellants* were alſo call'd *Acephales*, that is to ſay, *without a Head*. Moreover, it look'd with an odious Face to proceed, to the utmoſt Extremity, againſt the Penance-mongers, who were admir'd by all Mankind for their extraordinary Acts of Auſterity. 'Tis alſo not improbable that they did not all run into the extravagant Viſions of *Conrad Smith* and *Begard*, and that, according to their Principles, they ſubmitted in ſome reſpects to the Church, to avoid Perſecution, as they thought they might do, provided they made Atonement for it by the Diſcipline of the Scourge. There were ſome Orthodox Preachers, and popular ones too, who preach'd, as well as they, that Antichriſt was come, that the Laſt Judgment was at hand, and who gave the Clergy no Quarter in their Sermons.

LII. *VINCENT FERRIER* (1) was of this Number, a Man ſo much idoliz'd by the Populace, that he was generally followed with a prodigious Train of Penance-mongers at his Heels, ſcourging one another till the Blood came, and running every where after him to hear him preach. 'Tis to be ſuppoſed that the holy Man was not diſpleaſed to ſee the Effect of his Preachments (*a*), and that as the *Flagellants* were fond to hear him, he was not ſorry to be follow'd by them. The beſt Way therefore to reclaim the *Flagellants*, was to reclaim *Vincent Ferrier* himſelf. But to do this, required a world of Management and Dexterity: For he was Inquiſitor of the Faith in *Arragon*, which already gave him a vaſt deal of Authority. He had render'd himſelf famous by converting Numbers of Infidels and Hereticks in ſeveral Parts of the World, and (*b*) even the Gift of Miracles was aſcribed to him. *Alphonſo* was partly obliged to him for the Crown of *Arragon*, becauſe it was he who, by his publick Preachings, had plac'd *Ferdinand* his Father on the Throne (*c*). To his Endeavours the Council was partly obliged for the Revolt which had been made in this Kingdom from the Obedience of *Benedict* XIII, of which *Gerſon* himſelf does him the Honour in a Letter we ſhall ſee preſently. *Bzovius*, from whom I have taken theſe laſt Particulars, adds another, which plainly ſhew'd the Value they had for *Ferrier*, *viz.* That a Conteſt ariſing among the Fathers of the Council about the Means of

*Vincent Ferrier* protects the *Flagellants*.

(*a*) *Bzov. ad ann.* 1415. n. 44 *Bzov. ad. ann.* 1394. n. 13

(*b*) *Bzov. ad. ann.* 1205. n. 25, and 1412. n. 11

(*c*) *Id. ad. an.* 1412. n. 15. *Bzov. ad ann.* 1416. n. 19

(1) As to *Vincent Ferrier*, ſee *John Nider de Viſionibus*, p. 172 to 173, and the Hiſtory of the Council of *Piſa*, Part II. p. 158.

putting

1417. putting an End to the Schism, a Cardinal and two Divines were sent to consult him, and at the same Time to invite him to the Council. This Deputation does not appear in the Acts, tho' it is of sufficient Importance. But it appears by what we are going to say, that they thought, if any thing would carry their Point, it would be drawing of *Vincent Ferrier* to the Council, both to take Measures with him against the *Flagellants*, and to deprive him of the Opportunity of supporting and authorising them, as he did indirectly by his Carriage, which savour'd of rank Fanaticism, and by the Indulgence he had for them.

*Vincent Ferrier is solicited to come to the Council*

LIII. 'Tis not easy to dive into the true Reasons why *Vincent Ferrier* declin'd to go to *Constance*, where he knew his Presence was extremely desir'd. The King of *Arragon* had wrote twice to him in the preceding Year, and earnestly intreated him, without Delay, to answer the impatient Expectations of the whole Council. *Bzovius* even says, that he was actually on the Road, and already advanced as far as *Burgundy*, to which he drew an incredible Number of People after him by his Preachments and pretended Miracles. Mean time, as he did not come, *Gerson* wrote to him to make haste, because a great many Things lay upon his Heart, which he could not communicate to him but by Word of Mouth. The better to insinuate himself into *Ferrier*'s good Opinion, *Gerson* gives him the Praise of having induced the King of *Arragon* to revolt from the Obedience of *Benedict*, and of having, by so good an Action, given the finishing Stroke to the Union of the Church. He afterwards encourages him to come, without Delay (1), to animate the Council by his Presence, and to sequester himself for a while from the Multitude with which he was surrounded. He tells him, that he would do a great deal more Good, and act more worthy of himself, to come and joyn the Council, than to persist in his Designs, whereby he probably hinted at the Protection he gave to the *Flagellants*, and at his Declamations against the Corruption of the Church. *Gerson*, in a Comparison betwixt the Council and *Jerusalem*, proposes to *Vincent* the Example of St. *Paul*, who went up to that City to confer with the Apostles, lest he should run in vain (2). Then proceeding to *Vincent*'s Preachments, he tells him plainly, that People talk'd variously of them; and he reproaches him for his Lukewarmness with regard to the *Flagellants*, because, if

*Bzov. ad. ann.* 1416 n 17, 18, 19.

*July* 5.

*Gal* ii 1, 2

(1) Si positis interim turbis, jucundam tuæ præsentiæ faciem huic eidem sacro Concilio conspiciendam attuleris; fructum, nisi fallor, ampliorem & te tuisque moribus digniorem afferres, quam si hoc neglecto permanseris in inceptis. *Gerf. Op. T. II.* p. 658. *Edit. Antwerp ann.* 1706.

(2) Crede mihi, Doctor emerite, multi multa loquuntur super prædicationibus tuis, & maximè super illa Secta se verberantium—quam nec approbas, ut testantur nori tui, sed nec efficaciter reprobas. *Gerf. ubi supr.*

he

he does not approve of the Sect, he does not condemn it with due Severity. He sends him, by Advice of the General of the *Dominicans*, the Complaints that had been made against him *viva voce*, and by writing; adding, that what they mean by it, is not to condemn him, nor to make him uneasy, but to oblige him to greater Precaution *ad cautelam super his omnibus ampliorem.* This Letter, in some Editions, is accompany'd with one from the Cardinal of *Cambray*, tending to the same Purpose. What was the Success of it, with regard to the *Flagellants*, is not known, but it does not appear that *Vincent Ferrier* came to the Council. 1417.

LIV. SOME Days after this, *Gerson* publish'd a Treatise against the *Flagellants*, of which we will now give an Abstract, because it belongs to the History of the Council. *Gerson* first lays it down for a Maxim, that the Gospel is a Law of Charity, and that it is not burdensome. This he proves from the *Acts* of the Apostles, *Chap.* xv. *ver.* 10, 11, and from a Passage of St. *Augustin*, where it is said, that the Gospel is content with very few Sacraments *(paucissimis Sacramentis)* that is to say, with few Mysteries and Ceremonies. He says, that the Gospel is altogether as opposite as the old Law to the bloody Superstitions of the Pagans, and of the Idolaters who made Incisions into their Flesh; for which he quotes *Deut.* xiv. 1. and 1 *Kings* xviii. 28. From hence he infers, that no other Effusion of Blood is necessary for Salvation but that of Jesus Christ. As to the abolishing of all the Sacraments by the *Flagellants*, and their preferring of *Flagellation* to the Sacrament of Penance, and even to Martyrdom, *Gerson* says, that the Sacraments being the Vessels of the Grace of God, every Doctrine ought to be rejected which has a Tendency to debase them; and he even says, that the Clergy, who scourge themselves, dishonour and defile themselves, because, says he, the Law of Jesus Christ does not require any publick Penance to be inflicted upon them, out of respect to their Character. He complains that there are great Numbers of Clergy among the *Flagellants*; and he says, that they are but too well known, notwithstanding all the Care they take to conceal themselves, by putting a Veil over their Faces. He avers, that this Method of lashing their naked Bodies in publick, is offensive to Modesty in Women, to Gravity in Men, and that it robs Parents of the Respect due to them from their Children. He does not disown, that the Law of Jesus Christ (1) allows of whipping, upon the Authority of (2) *Ps.* xxxvii. *ver.* 18, according to the vulgar Translation, but that 'tis upon these Conditions. 1. That it be perform'd by Order of

*Gerson's* Tract against the *Flagellants July* 18 *Gerf.* T. II. p. 660. *Aug. Epist.* 54. T. II. p. 93. *Edit. Antwerp.*

(1) Note, That, by the Law of Christ, *Gerson* means, both here and above, the Commandments of the Church of *Rome.*

(2) Quoniam ego in flagella paratus sum, & dolor meus in conspectu meo semper.

1417. Superiors. 2. That it be moderate, without Offence, without Oſtentation, and without Effuſion of Blood, according to *William* of *Paris* (1). He lays it down for Matter of Fact, that ever ſince the Sect of the *Flagellants* appear'd, it was always condemn'd by the Church; and particularly in *Lorrain*, *Germany* and *France*, notwithſtanding the ſpacious Outſide, and the Appearances of Devotion in that Sect, becauſe no Practice ought to be tolerated among the People which has a Tendency to ſubvert the Order eſtabliſh'd in the Church, to raiſe Seditions, and to render Mankind ſuperſtitious. To this he adds, that *Flagellation* is an Offence to *Jews* and *Mahometans*, becauſe it makes them look upon the Chriſtian Religion to be a cruel and bloody Law. He ſays, that the Law of Jeſus Chriſt is ſufficiently explain'd in the Decalogue, the plain and natural Obſervation of which *(groſſa fide)* is ſufficient for Salvation, eſpecially to the Simple. 'It 'ſignifies nothing, *he adds*, to ſay that theſe *Flagellations* are voluntary Sacrifices, becauſe 'tis manifeſt, by Experience, that, under this 'Pretence, the *Flagellants* more freely diſpenſe with their Obſervation of the Commandments of God; for, ſince the Fall, Nature is 'ſo perverſe, that it has a greater Propenſity to what is of human 'Invention, than to what is commanded by God.' From hence he infers, that, conſidering the Diſorders and Outrages committed by that Sect, the Prelates, Paſtors and Doctors ought to ſuppreſs it by their Exhortations; and even Princes ought to do the ſame by their Authority, after the Example of their Anceſtors. Mean time, gentle Methods are what he prefers to all others, as well becauſe the Evil is rooted, and become in a manner general, as becauſe there is Danger of plucking up the good Grain with the Tares.

HE ſays therefore, that the *Flagellants* ſhould be exhorted to retract, by the Authority of the Council, the Pope, and the Church of *Rome*; *but eſpecially*, adds he, *by the Example of* Vincent Ferrier, *who, in a Letter he wrote lately to* Conſtance, *declar'd that he was willing to ſubmit in all Things to the Council, and that he publickly exhorted his People to the ſame.* That if any are aſham'd to retract, he would have them to be put in mind of the Example of St. *Auſtin*, whoſe Recantations did not diminiſh an Ace of his Authority in the Church. To this he adds ſeveral very wiſe Hints for reclaiming thoſe Fanaticks, *viz.* the putting ſuch as ſhall abandon that Sect in hopes of favourable Treatment, the encouraging them againſt all Apprehenſions of Diſgrace, and repreſenting to them, that *Patience under the Evils which God ſends, is a Penance a thouſand times more agreeable to him than all* Flagellations. This is a very beautiful Paſſage. Above all, *Gerſon* is for having a Stop put to their Meetings, by giving them

(1) *William* of *Paris* flouriſh'd in 1228.

to underſtand that the Council has not yet determin'd whether this Practice is lawful or not; and that, in dubious Caſes, 'tis better not to act than to act, eſpecially when the latter muſt give Offence. 1417.

As (1) the common People are fond of Novelties, *Gerſon* adviſes the propoſing of ſuch to them, in which there is no Danger; as, for inſtance, the *Invocation of Saints*. Becauſe the *Flagellants* look'd upon the Clergy to be Antichriſt, and from thence infer'd that the Day of Judgment was at hand, *Gerſon* adviſes, that Preachers ſhould talk of that Matter only in general Terms, and that they ſhould make their People ſenſible that all Men have their immediate and certain Doom at the Hour of Death. And ſince there were at that Time Impoſtors who boaſted they were able to work Miracles, in order to confirm the *Flagellants* in their Opinion that Antichriſt was come, and that the End of the World was at hand, *Gerſon* ſays upon that Head, that ( ) *as the World advances to a very great Age, 'tis in Effect become liable to the ſame Deliriums as an old Dotard, and that Miracles ought, at this Day, to be very much ſuſpected.* To this he adds a very wholeſom Piece of Advice, which is to oblige the *Flagellants* to hard Labour, and to keep them in Subjection. In fine, the Manner of concluding the Treatiſe is of very great Concern to *Vincent Ferrier*: For he ſays, that if this Doctor does not think theſe Remedies may be effectual, he would do well to abſent for a while from theſe Aſſemblies, and come to the Council.

LV. As we don't find any Deciſion of the Council, with regard to the *Flagellants*, 'tis probable they adher'd to *Gerſon*'s Opinion; which is an Inſtance of Moderation that cannot be ſufficiently admir'd, when one conſiders the Severity with which the Council treated *John Hus*, *Jerome* of *Prague*, and the *Huſſites*. The *Flagellants* were notorious Hereticks of the firſt Rate. They overthrew a fundamental Article of the Chriſtian Religion, and of the Apoſtles Creed, by maintaining that *Conrad Smith* was to judge the World at the Laſt Day. They aboliſh'd all the Sacraments, and, in the room thereof, ſubſtituted one of their own Invention. They formally deny'd both

The Council does not Judge the *Flagellants*.

(1) Populus quando erigitur ad novitates, illæ ſunt illis ingerendæ, in quibus eſt tuta ſalubriſque devotio, ſicut de miſericordia Sanctorum, & recurſu ad eos, vel ad Angelum proprium cuſtodem, ad Sanctum cujus nomen perſona geret, ad illam Matrem Dei, & Virginalem Sponſum ſuum Joſeph, numerando prærogativas eorum. *I e When the People are gaping for Novelties, let ſuch be impreſs'd upon them, where the Devotion is ſafe and wholeſom, as the Mercy of the Saints, and the Calling upon them, either upon the Angel who is the proper Guardian, or upon the Saint whoſe Name the Perſon ſhall bear, upon the Mother of God, and* Joſeph *her Virgin Spouſe, by enumerating their Prerogatives.*

(2) Mundus crefcens patitur phantaſias falſorum miraculorum, ſicut homo ſenex phantaſiatur in ſomno: propterea nunc ſunt habenda miracula valde ſuſpecta, niſi facta prius examinatione diligenti p 664.

1417. the real Presence and Transubstantiation. They taught a manifest Heresy in Ethicks, *viz.* that 'tis lawful to lye or be perjur'd for avoiding Persecution. Moreover, their Sentiments of the Church of *Rome*, the Pope, and all the Clergy, were the rankest *Wickliffism* and *Hussitism*, that ever was preach'd in *England* and *Bohemia*; and in the Manner too as they express'd themselves thereupon, they could not be deem'd as Christians, according to the Principles of that Time, when the Christian Church was commonly understood by the Church of *Rome*. Probably they were look'd upon as Fanaticks and Fools, whom there was a Necessity of reclaiming by gentle Methods, those of Severity having not been of any Effect for near two Centuries. But in order to behave in an uniform Manner, *Gerson* should have given the same Advice to the Council with regard to the *Hussites*, as he did with regard to the *Flagellants*; and, instead of running down *John Hus*, as he did by his Writings and Speeches, he would, perhaps, have been a greater Gainer, by allowing *John Hus* the same Grains of Indulgence as he did to *Vincent Ferrier*, who favour'd a Sect so pernicious as that of the *Flagellants*. Such Conduct would have been the more natural, because *John Gerson* and *John Hus* were acquainted with each other at *Paris*; whereas *Gerson* only knew *Ferrier* by Hearsay. If there were any Reasons for carrying it fair to *Ferrier*, there were no less for paying the same Respect to *John Hus*, as the Event too plainly demonstrated. However it be, *Gerson*'s Advice did not avail much, because History informs us, that the *Flagellants* still committed very great Ravages in *France* in 1422; and that this Sect subsisted a great Part of that Century in several Countries of *Europe*, but particularly *Prussia*. I had wrote this Passage of my History a long time, when I receiv'd Dr. *Schettinger*'s learned Dissertation upon that Sect. From him I have taken many Particulars; and 'tis worth the Reader's while to peruse it throughout, in order to be inform'd of others which I cannot insert here. Let us return to *Peter de Luna*.

*Mezerai Abr. Chron.* T. III. p. 227.

*Schettinger*, p. 72

SESSION THIRTY SIXTH. *July* 22. *V. d Hardt*, T. IV. p. 1357, 1358.

LVI. IT had been resolv'd, in the XXXIVth Session, to summon him to hear the Sentence for deposing him. In the XXXVIth, at which it does not appear that the Emperor was present, this Citation was publickly executed by five Bishops deputed for that Purpose. But because that Day happen'd to be the Festival of St. *Mary Magdalen*; and as there might be some People who might look upon a Citation made upon a Saint's Day to be null and void, *though this is not to be found in the Body of the Canon Law*, as the Council expressly observes (1), the Fathers, declar'd that, by their Autho-

*V. d. Hardt*, T. IV. p. 1359, 1360.

(1) Ne propter Festum hodiernum, videlicet, Beatæ *Mariæ Magdalenæ*, quod tamen in Corpore Iuris minime reperitur, aliqui dubitarent præsentem diem feriatam fore, Synodus omnem in præmissis supplet defectum, si interveniisset.

rity,

rity, they would make up all Defects that might be urged in that Citation. 1417.

IN the same Session, a Decree was read for revoking all the Bulls fulminated by *Benedict* XIII. in his Obedience, from the 9th of *November*, 1415, against any Person whatsoever, as well in Spirituals as Temporals, either by virtue of the Excommunication fulminated at *Marseilles* in 1407, or for any other Occasion whatsoever. In pursuance of this Decree, the Council took off the Excommunication of several Spiritual and Temporal Lords of the Kingdoms of *Castille* and *Leon*. The same Decree confirms and ratifies all the Collations to Benefices in those Kingdoms made by *Benedict*, on Condition, nevertheless, that it be without Prejudice to the Interests of the Kings of *Arragon* and *Navarre*, and of the Grand Master of *Rhodes*, and without contravening the Capitulation of *Narbonne*. I find nothing more in this Session, which was followed with another on *July* 26. *Raynald ad an* 1417. *p.* 556.

LVII. THE Business cut out for this Session being to depose *Benedict* XIII, the Emperor, who had order'd publick Prayers before it began, did not fail to be present at a Sentence which he esteem'd as his own handy Work, and as the Effect of his own Care and Pains. He was accompany'd by the Elector of *Brandenbourg*, who bore the Sceptre; by the Prince of *Anhalt*, who carry'd the Crown; by *Berthold des Ursins*, the Sword-bearer; and by *Lewis d'Oettingen*, who carry'd the Globe. The Cardinal of *Ostia* presided again at this Session, and the Cardinal of St. *Mark* celebrated the Mass of the Holy Ghost. After the Sermon, which was preach'd by the Patriarch of *Constantinople*, from these Words, *Judge righteously*, the Proctor made a Motion, that *Benedict*, not appearing, ought to be declar'd contumacious once more; and he desir'd that an Account might be given of the Citation that was order'd against him in the last Session. This being done, the Council again deputed, *ex abundanti*, the two Cardinals and the other Persons requir'd to repeat the Citation. Those Commissioners no sooner reported that *Benedict* had not appear'd, but *Stephen de Couvret* Bishop of *Dole* read a Decree, importing, that *Benedict* being notoriously contumacious, they would proceed to depose him. After this, *William Fillastre* Cardinal of St. *Mark* read the Sentence for deposing him, as follows. 'May Judgment proceed from him that sitteth 'on the Throne, &c. The Lord is just, and he loveth Righteousness. 'His Face is set against those who work Iniquity; he will destroy 'their Memory upon the Earth. May the Memory of that Man, 'says a Prophet, for ever perish, who has not remember'd to shew 'Mercy, and has persecuted the Poor. How much more ought *Peter de Luna*, by some call'd *Benedict* XIII, for ever to be held in Oblivion, 'who has persecuted all Christian People and the Catholick Church, 'by fomenting Schism and Division in it, notwithstanding the Exhorta- SESSION THIRTY SEVENTH. *July* 26. *Raynald. ad an.* 1417. *T. IV. p.* 1369.

*Ps.* lvii. *ver.* 1. according to the Vulgate Translation.

1417. ‘ tions, Instances and Intreaties of Kings, Princes and Prelates, so
‘ often repeated, as well as notwithstanding the many Oaths he had
‘ taken to grant Peace to the Church, as he had the Power to do,
‘ because for a long time it only stuck with him? After so obstinate a
‘ Refusal, *Witnesses were call'd*, according to the Gospel Precept; but,
‘ as he still remain'd inflexible and inexorable, there was a Necessity
‘ of *telling it* to the Church. And as he has neglected to hear the
‘ Church, nothing more remains but to treat him as a *Heathen and a*
‘ *Publican*. The Council therefore representing the Catholick Church,
‘ *&c.* after having heard, and carefully examined, all the Articles al-
‘ ledged against him, which have been found to be true and notorious,
‘ after having maturely deliberated and proceeded in all Things ca-
‘ nonically, and according to the Rules, pronounces, decrees and declares,
‘ by this definitive Sentence, that *Peter de Luna* has been, and is still,
‘ a perjur'd Person, who has scandaliz'd the Catholick Church; a Fa-
‘ vourer of the Schism and Division which has been of so long Con-
‘ tinuance; a Disturber of the Peace and Union of the Church; an
‘ obstinate, incorrigible Schismatick; a Heretick gone astray from the
*Unam San-ctam.* ‘ Faith, especially in the Article of *the one holy Catholick Church*; in
‘ a word, a Man abandon'd by God, become unworthy of all Digni-
‘ ty, and especially the Pontificate. As such the Council degrades
‘ him, depose's him, and actually deprives him not only of the Ponti-
‘ ficate, but of every Title, Degree, Honour, Dignity, Benefices and
‘ Offices; forbids him to behave hereafter as Pope; absolves all
*Bzov. ad. ann.* 1417. *V. d. Hardt,* T. IV. P. 1574. ‘ Christians from any Oaths they may have taken to him; and pro-
‘ hibits all and every one of them, of what Order and Condition so-
‘ ever, *Bishops*, *Patriarchs*, *Cardinals*, Kings, Emperors, *&c.* to obey
‘ him, to support him, and to give him any Assistance, Advice or
‘ Shelter, on Pain of being treated as Favourers of Schism and He-
‘ sy, and depriv'd of all Benefices, Honours and Dignities, Spiritual
‘ and Temporal. And if there are any guilty hereof, the Council
‘ declares them actually depriv'd of the same *ipso facto*, *&c.* Besides,
‘ the Council repeals and annuls all Prohibitions, Processes, Sentences,
‘ Constitutions and Censures in general, which the said pretended *Bene-*
‘ *dict* may have made, and which may obstruct the Execution of this
‘ Judgment.

AFTER the reading of this Sentence, the Bishop of *Dole* read aloud a certain Writing, importing, that no Fault could be alledged in the Formality of this Process; yet in case any should be objected hereafter, the Council supply'd such Defect by this Declaration. Then the President pronounced the *Placet*, or Consent of the whole Assembly. This Formality was observ'd beforehand by a Deputy of each Nation; but it was perform'd for all by the President, after the Disputes that arose among them about Precedency. *Te Deum* being sung, the Assemby broke

broke up; and the Depoſition of *Benedict* was proclaim'd the ſame Day, with the Sound of Trumpet, by the Emperor's Order, in all the Streets of *Conſtance*. 1417.

LVIII. THE Emperor was not preſent at the XXXVIIIth Seſſion, which was only remarkable for ſome Regulations made, the chief of which related to a good Underſtanding between the Nations. The Decree of the Council was therein read a ſecond time (1), which repealed all the Sentences, Cenſures, Bulls, *&c.* of *Benedict* XIII, inflicting Penalties and Incapacities upon the Ambaſſadors, Attorneys, or the Kindred and Allies of the King of *Caſtille*, ſince the firſt of *April*, 1416, as well as upon thoſe of *Henry* the Infante of *Caſtille*, and Grand Maſter of the Order of St. *Jago* of the Sword (*a*). Commiſſioners of the *Spaniſh* Nation were added to thoſe already nominated for the Affair of the Biſhop of *Trent*, purſuant to a Reſolution made a great while ago. SESSION THIRTY EIGHTH. *July* 18 *d. Hard.* T. IV. p. 1552. (*a*) *Spond.*

IT was one of the Articles of the *Narbonne* Capitulation, that the Council ſhould take no Reſolution which, directly or indirectly, concern'd the Kings, Princes and Prelates of *Benedict*'s Obedience. Mean time, it had been granted to the King of *Arragon*, proviſionally, that he ſhould have the Right of voting for the Prelates, and other Eccleſiaſtical Perſons of the Kingdoms and Countries, which that King poſſeſs'd, or laid Claim to, as well on this Side as beyond the Sea, upon the Hopes which the *Arragoneſe* had given, that they ſhould eaſily ſettle this Point with the *Caſtillians*. But the Ambaſſadors of *Portugal* and *Caſtille* having proteſted againſt this Grant, as contrary to the Capitulation of *Narbonne*, the Council reſolv'd that the King of *Arragon* ſhould not make uſe of it, and that the Ambaſſadors of the Kings of *Caſtille*, *Arragon*, *Portugal* and *Navarre*, ſhould only vote for the Prelates and other Clergy of the Kingdoms and Domains which they had in the two *Spains*, or, as *Bzovius* has it more correctly, in the *Spaniſh* Nation. This Regulation particularly related to the Iſlands of *Sicily*, *Sardinia* and *Corſica*, the Poſſeſſion of which was diſputed with the King of *Arragon* by ſeveral Claimants, and particularly by the Archbiſhop of *Piſa*, who had Pretenſions to the Iſle of *Corſica*. *Eſperendieu*, the King of *Arragon*'s Ambaſſador, proteſted againſt this Decree, under Colour that it had not been agreed to by the Nations. But the Commiſſioners, appointed in this Cauſe by the Council, having declar'd that the Thing had been thus reſolved on, the Decree paſs'd. *d. Hard.* T. IV. p. 1554. *Bzov. ad. an* 1417. p. 539.

*HENRY DE SPONDE* reports, upon the Authority of *Davila*, that in this Seſſion there were ſome Diſputes about Precedency between the Ambaſſadors of the King of *Caſtille* and thoſe of *Spond. ad. an.* 1417. n. 4.

(1) It had been read the firſt time in the XXXVIth Seſſion.

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1417. the Duke of *Burgundy*. If this Fact is true, 'tis a plain Proof of the great Credit which the Duke of *Burgundy* had at the Council, that he ſhould preſume to diſpute for Rank with the Ambaſſadors of crown'd Heads.

Negotiations concerning the Reformation of the Church, and Election of a Pope

LIX. AFTER having thus cut up all the Roots of the Schiſm, by depoſing the moſt obſtinate of the Anti-Popes, it ſeem'd that no Obſtacle remain'd to hinder the happy Iſſue of the Council. There now appear'd but two Affairs to be determin'd, *viz. the Reformation of the Church in its Head and Members, and the Election of a Pope.* But which of theſe ſhould come on firſt was the Point not yet agreed to. The Emperor ſtill perſiſted in his Deſire, that the Reformation of the Church, and eſpecially that of its Head, might be ſettled before the Election of a Pope; and the other Party was obſtinate, that the Election might be finiſh'd firſt and foremoſt. The Cardinals, being ſupported by the *Italians*, *French* and *Spaniards*, renew'd their Proteſtations, and the Emperor repeated his Inſtances. The whole Month of *Auguſt* was taken up in Negotiations, which could not be very ſecret, becauſe there was a great deal of Warmth on both Sides. The *Italians* uſed all their Efforts to draw off the *Germans* from the Emperor; and the Emperor, on his Part, left no Stone unturn'd to bring over the other Nations to his Party. There were alſo ſome Prelates and Doctors of Diſtinction among the *Italians* and *French*, who were as much as the Emperor againſt deferring the Reformation. Of this Number was the Archbiſhop of *Genoa*; and it was at this Time probably that he addreſs'd a Diſcourſe to *Sigiſmond* (1), exhorting him not to ſuffer himſelf to be diverted from a Deſign ſo advantageous to the Church, by the Artifices of the other Party.

*Aug.* 4. *Docker ap V. d. Hardt*, T. IV. p. 1397.

*Aug.* 16.

Sermon upon the Reformation. *Bernardus ſive Eberhardus Baptizatus, Ordinis Sancti Benedicti de Gaſconia, ap. V. d. Hardt*, T. I. p. 879. *Aug.* 22.

LX. TO the *Italian* Prelate, we muſt add a *French* Abbat of the Order of St. *Benedict*, call'd *Bernard* the *Baptiſed*, who preach'd a Sermon upon this Subject: He took his Text from the Parable of the Phariſee and the Publican, *Luke* xviii. This is the third that he had preach'd in the Council, which ſhews that he was a Man of ſome Weight and Diſtinction. The Sermon is nothing, from the Beginning to the End, but a cutting Invective againſt the Clergy. 'Tis there affirm'd, that ſome body in the Council has had a Revelation, that unleſs the Simony, Robberies and Tyranny of the Clergy be not extirpated by the Council, the Church will be expoſed to a more cruel Perſecution than ſhe has ever ſuffer'd; and the *Benedictin*, after a long Catalogue of Vices and Crimes, of which he accuſes the Clergy, con-

(1) Inter quos illos præcipuos (hoſtes) præcipuique cavendos putaverim, ſi qui ſint, qui ullis artibus, ullo ingenio, ullis promiſſis, te a ſancto & recto propoſito Mutationis & Reformationis Eccleſiæ tentant abducere, ſeducere vel avertere. *V. d. Hardt*, T. I. p. 816.

cludes

cludes with ſaying, that almoſt all the Clergy *are under the Power of the Devil.* Nor had the Council any better Quarter than the Clergy in this Diſcourſe, the Fathers being therein reproach'd for their unworthy Toleration of Simony, practiſed before their Faces by the Officers of the Court of *Rome.* It muſt be acknowledged, that this Preacher gives a very frightful Idea of the whole Council. For, with a very little Exception, he repreſents it as an Aſſembly of Phariſees, who droll upon Religion and the Church, under the Maſk of their Proceſſions, and other external Acts of Devotion. Perhaps this Sermon is exaggerated, as publick Diſcourſes but too commonly are; yet, through the Figures of Rhetorick, one eaſily diſcovers the Characters and Conduct of the Members of this Aſſembly; and Diſcourſes of this kind are not leſs edifying than the Acts themſelves, in which one generally meets with nothing but Reſolutions and Facts ſtripp'd of their Circumſtances; whereas in Sermons one can better diſcover the Situation of Affairs, and the Characters of the Members of the Council. Therefore it may not be improper to ſingle out ſome Paſſages of this Sermon, by which it will appear, that if, on the one hand, the Preacher talk'd with very great Liberty, they could not hear him, on the other hand, without being very much confounded. 'I am ſorry to ſay it, that in our Days, *ſays he*, the Catholick Faith 'is reduced to nothing; Hope is turn'd into a raſh Preſumption, 'and the Love of God and our Neighbour is quite extinct. In the 'Laity, Falſhood bears the chief Sway; and Avarice is the Rule of 'the Clergy. In the Church, the Flock is divided. In the Prelates, 'there's nothing but Malice, Iniquity, Negligence, Ignorance, Va'nity, Pride, Covetouſneſs, Simony, Laſciviouſneſs, Pomp and Hy'pocriſy. At the Pope's Court, there's no Sanctity; Law-Suits and 'Quarrels being the Happineſs of that Court, and Truth and Im'poſture its Delight. Tyranny, Simony and Rapaciouſneſs, are prac'tiſed in every Part of it. 'Tis a diabolical Court.' *There are ſeveral Phariſees here*, ſays he in another Place, *who go up to the Temple, and do nothing but tell Lyes, laugh, jeer, ſleep, and talk Things that are either impertinent or unſeemly.* After having thus repreſented the Corruption in all Ranks, he exhorts the Council to remedy theſe Evils by a real Reformation, and by puniſhing the Guilty. The Exhortation, which he afterwards makes to chuſe a good Pope, is not the leaſt curious Paſſage. *Look*, ſays he, *into all Places, that is to ſay, among all Perſons, in the meaneſt, as well as in the moſt eminent Stations, for a Subject fit to govern the Church with Piety.* Chuſe not a Woman but a Man (1); *becauſe the Woman is the Head of Sin, the Weapons of the*

1417.

(1) Quia mulier eſt caput Peccati, arma Diaboli, expulſio Paradiſi, mater Delicti, corruptio Veteris Teſtamenti. *Von der Hardt*, T. I. p. 888

*Devil,*

1417. *Devil, the Exclusion from Paradise, the Mother of Guilt, the Corruption of the old Covenant.*

Another Sermon upon the Reformation.

*Aug.* 29. *V. d. Hardt, ubi supr.* p. 898

LXI. ANOTHER Doctor, whose Name was *Theobald*, made a Sermon, some Days after, upon the same Subject. His Discourse was milder, but every whit as poignant as the *Benedictin*'s, of which these are some Strokes. The Avarice of the Clergy, *says he*, is apparent in three Things; *a covetous Man acquireth unfairly, with-holds yet more unjustly, and expendeth most absurdly.* He reproacheth the Clergy for not administering the Sacraments if they have not Money for it, and for letting People dye without the Viaticum and Extreme Unction, who have not wherewithal to pay the Priest. 'As to their 'Expences, they had rather spend their Substance upon Fools, Harlequins, Whores, Fiddlers, Flatterers, Dogs and Birds, than give 'to the Poor. Contrary to the sacred Canons, they frequent Taverns 'and Stews, keep Concubines publickly in their Houses, and, after 'having committed Lewdness with them, make no Scruple to celebrate Mass.' *'Tis become a Proverb*, says he, *that the Prelates keep as many Mistresses as Domesticks: And don't think*, says he, *that your Shame can be conceal'd; for your Mistresses publickly boast of it.* 'And 'as the Bishops are no better than the inferior Clergy, instead of 'suppressing them, they take Money for indulging them in their 'Crimes. The Convents of Women, which, according to the Canons, 'ought to be absolutely shut up from the Men, are publick Places and 'Theatres, Receptacles of all manner of Vanity. If any great Men 'are scrupulous of going into them, they send Presents, Dishes of 'Meat, Letters, and Invitations to the Nuns to come to their 'Houses. What passes there, *says he*, 'tis a Shame to tell, but much 'more to act it. The most deplorable Case of all is, that the Court of '*Rome*, which ought to set an Example, commits all those Abomi'nations, and even in this Place, where an Assembly is held for the 'Reformation of Manners (*a*).' He afterwards exhorts the Reformers to begin the Work of Reformation by themselves, to employ themselves in it with Sincerity, but especially with more Diligence and Zeal than they had done, and not to be like the Pharisees, who strain'd at a Gnat and swallow'd a Camel. It will appear by the Sequel, that an Exhortation so necessary was not very effectual. The Plan, which the Commissioners drew up for a Reformation, insisted upon Matters of little Importance, and neglected Abuses of very dangerous Consequence.

(*a*) *V. d. Har.* T. IV p. 898, &c.

*V. d. Hardt*, T. IV p. 1399

The Bishop of *Toulon*'s Sermon.

LXII. *VITAL* Bishop of *Toulon*, who had formerly signaliz'd his Zeal for the Reformation in the foregoing Year, display'd it this Year also with greater Force. 'The Man, *says he*, who is raised to 'the Dignities of the Church by Simony, does not receive the Call of 'God, but of *Simon*. Pray, Gentlemen, tell me what was the Origin

'of

'of the Schiſm? It was Money. Was not Avarice the Cauſe of that 1417.
'Confuſion we now ſee in the Church? 'Tis to remedy that Abuſe
'and that Deformity that we are aſſembled in this Place; and I
'don't believe that the Reformation of ſo criminal a Commerce was
'ever expected with more Impatience (*a*).

(*a*) *V. d Har T. V. Proleg.* p. 60.

THERE was another Doctor of Laws, nam'd *John Hugenet* of *Metz*, a Deputy from the Univerſity of *Arragon* to the Council, who ſpoke ſmartly upon the ſame Subject. 'We ſee honeſt, though poor, Clergymen, '*ſays he*, dance Attendance, to no purpoſe, at the Threſholds of the 'Prelates for obtaining ſome ſmall Benefice, or to get ſome Petition 'ſign'd by the Pope. But 'tis not ſo with the Rich, who, with 'Eaſe, obtain as many Benefices as they can ſwallow, provided they 'looſe their Purſe-ſtrings to ſwell the Purſes of the Prelates (1).

*V. d. Hardt, ubi ſupra.*

LXIII. THE other Party, which was for electing a Pope before they went upon the Reformation of the Church, had alſo its Orators. We find ſome Fragments of a Sermon which was preach'd upon this Subject on St. *Louis*'s Day (2), by the Cardinal of *Cambray*. Indeed, (3) this Prelate expreſſes the extreme Neceſſity there was for a Reformation of all the Clergy, in ſtrong and pathetick Terms; but he avers, at the ſame time, that the Reformation of the Head of the Church cannot be perform'd while the Church has no Head, and that the Election of a Pope is the firſt Article of Reformation, becauſe *a Body without the Head is the greateſt of all Deformities.*' 'There is a Talk, '*ſays he*, of reforming the Head, while the other Members are monſtrouſly deformed. They diſſemble their own Vices, while they 'diſcover thoſe of other Men, whoſe Cure they are ſo officious as to 'undertake while they neglect their own Health. Is there any Re'formation more irregular than that of removing the Head of the 'Church, and taking no Care to give it another. They pretend to 'begin with the Reformation of a Head which is not in Being, and to 'poſtpone to another Time the Amendment of the Members, which 'actually ſtagnate in Corruption and Vice. But there is no Reforma'tion more eſſential for the Church, than to be forthwith provided 'with a Head by a Canonical Election: Such a Reformation as this

The Cardinal of *Cambray*'s Diſcourſe for haſtening the Election of a Pope *Aug.* 28.

(1) The Council of *Trent* appointed Examiners of Sermons that were to be preach'd, which was, no doubt, to obviate this Liberty taken by Preachers.

(2) This was the Biſhop of *Thouloufe*, Son to *Charles* II. King of *Jeruſalem*, who, about the End of the XIIIth Century, renounced the Succeſſion to his Father's Dominions, and turn'd Monk.

(3) Utinam non in crapula & ebrietate, non in luxuria & fœditate, non in ſuperbia & vanitate, non in muliebri laſcivia, non in militari familia, non in ſeculari pompa, non ad abundantiam, ſed ad ſufficientiam, &c. hæc omnia in Clero experimur. *i. e. Would to God there was no Gluttony and Drunkenneſs, no Luxury and Obſcenity, no Pride and Vanity, no wanton Effeminacy, no domeſtick Brawls, no worldly Pomp, no ſtriving for Abundance, or more than a Sufficiency*, &c. *all which Things we find in the Clergy* V. d Har T. IV. p. 14.

1417. 'ought to precede all others, because the Church can never be in a 'more perilous State than when it has no Head; yet this Election, 'so necessary, is thwarted by a thousand Contradictions. While Men 'are aiming at Union, they are disunited. It is not to be fear'd, lest, 'in the midst of such Divisions, what the Scripture has said should 'come to pass, *A Kingdom divided against itself cannot stand?*' Notwithstanding these Controversies, the College of Reformers met every Day, in order to have their Plan in a readiness, whether the Council should determine to execute it before the Election of a Pope, or after it.

Letter from the King of *England* to his Ambassadors at the Council.

LXIV. THE *English* had always seem'd very hearty with the *Germans* for bringing on the Affair of the Reformation of the Church before the Election of a Pope. Nevertheless it appears, by a Letter from the King of *England* to his Ambassadors at the Council, that some of that Nation were not of the same Mind with others. Though the Letter does not specify what was the Ground of their Difference, yet it is natural to suppose that it was about this Affair. The Letter is directed to the Bishops of *London* (1), *Bath* (2), *Salisbury* (3), *Coventry* and *Litchfield* (4), and *Norwich* (5), and is worded as follows. 'Whereas we have been inform'd, by your Letters, that several of our Subjects, who are at the Council of *Constance*, act contrary to our Intentions, and refuse to conform to the Instructions 'we have given you; our Will is, that all our Subjects in general, and 'every one of them, who now is, or shall be for the future, at *Constance*, of whatsoever Rank, Degree and Condition they are, give 'you Assistance, Advice and Obedience in all Things, and be present 'at no particular Assembly without your Knowledge. And if any 'happen to oppose our Intentions and our Orders in this Matter, either publickly or clandestinely, do you advertise them, on our Part, 'to desist. But if they refuse to hearken to such Remonstrances, you 'shall command them, in our Name, to withdraw from the said 'Council, in order to return to this Kingdom, and give an Account 'of their Conduct: And if there happen to be any Diversity of Opinions among you, the smaller Number must give Way to the greater.' The Letter is dated the 18th of *July*, 1417 (*a*). Till this Affair is decided, we pass to others.

(*a*) Mr. Rymer's *Fœdera*, T. IX.

Affairs of *Bohemia*.

LXV. DURING the Dispute of Tongues and Pens at *Constance*, there happen'd such Scenes in *Bohemia* as were perfectly Tragical. The Declaration of the University of *Prague* in Favour of the Communion

(1) *Richard.*

(2) *Nicholas Bubwith*, who was elected in 1408, and died in 1424.

(3) *Robert Alam.*

(4) *John Catricke*, who was elected in 1415, and died in *Florence* in 1419.

(5) *John Vakeryng*, who was chosen in 1416, and died in 1425.

in

in both kinds, had drawn aſide the greateſt Part of the Clergy and Laity. *Wenceſlaus*, more out of Fear than Good-will to the *Huſſites*, had granted them a great many Churches, wherein the Sacrament of the Euchariſt was adminiſter'd in both kinds, according to the Inſtitution of Jeſus Chriſt, and wherein they enter'd into new Engagements every Day not to obey the Council. The Clergy of *Bohemia*, who, by that Means, were ſtripp'd of the beſt Part of their Revenues, uſed all their Efforts to ſtir up all the Friends of the Church of *Rome*, that remain d in that Kingdom, againſt this Innovation. A great Number of Highwaymen and Banditti took the Opportunity of this Confuſion to exerciſe all Acts of Violence and Robbery with Impunity. And *Wenceſlaus*, inſtead of exerting his Authority to appeaſe theſe Diſorders, had abandon'd *Prague*, and was retir'd to a Caſtle, where he minded nothing but his Pleaſures, while his whole Kingdom was in a Combuſtion. 1417. *Theobald's War of the Huſſites*, cap. 27.

LXVI. IT was not eaſy for the Council to provide effectual Remedies for an Evil, of which they were partly the Cauſe. The *Bohemians* had been cited to *Conſtance* ſome time paſt, to give an Account of their Conduct: But they were averſe to appearing before a Tribunal, which had been ſo fatal to two of their Countrymen, and of whoſe Authority they publickly diſclaim'd any future Acknowledgement. Mean time, the Fathers of the Council left no Stone unturn'd to reeſtabliſh the Cuſtom in *Bohemia* of communicating in one kind only. And it was by their Order that *Gerſon* compoſed his *Treatiſe againſt the Communion in both kinds*, of which 'tis neceſſary to give the Subſtance here, becauſe it was now publickly read in the Council. This Treatiſe conſiſts of twenty Propoſitions, which *Gerſon* calls *Rules*, ten of which are Speculative, and the other ten Practical. *Gerſon's* Treatiſe againſt the Communion in both kinds. *Gerſ* T. I. Part II. p. 57. & *V. d. Har.* T III. p. 765

THE firſt Rule eſtabliſhes the Holy Scripture rightly underſtood, as the Rule of Faith, againſt which no Authority, nor Reaſon, nor Cuſtom, nor Conſtitution, can prevail. He allows, that this is the common Hypotheſis of the Catholicks, and alſo of the Hereticks, whom he attacks; and that they differ only in the Application.

THE ſecond Rule is, that in order to explain the Scripture, no Paſſage of it ought to be taken ſeparately; but that the ſeveral Paſſages ought to be compar'd with one another, in order to find out the true Senſe of it. He quotes, for Example, this Paſſage. *Whoſoever believeth, and is baptiſed, ſhall be ſav'd.* To take it ſeparately, *ſays he*, one would imagine that Faith alone was ſufficient for Salvation, without any other Virtue, which however is not true. The better to convince the *Huſſites* of the Truth of this Rule, he makes uſe of this Argument *ad hominem*. If we conſider that Paſſage of St. *John* ſeparately, where 'tis ſaid, *If any Man eat of this Bread, he ſhall live for ever*, it would ſeem to be ſufficient to receive the Body of Jeſus Chriſt in the *John* vi. 51.

1417. Euchariſt; nevertheleſs the *Huſſites* ſay, that his Blood ought to be drank at the ſame time. I own, that I don't clearly conceive in what Regard the *Huſſites* could diſpute this Rule, nor what Harm it would have done them.

THE third Rule differing very little, if at all, from the ſecond, I need not mention it.

THE fourth Rule is, that, in order to explain the Scriptures in a right Senſe, theſe four Qualifications are abſolutely neceſſary: A good Underſtanding, Study and Meditation, Humility, and a Heart exempt from every vicious Prejudice.

IN the fifth Rule, *Gerſon* begins to enter a little farther into the State of the Queſtion. *The Holy Scripture*, ſays he, *had, at its firſt Promulgation, Interpreters, who were not only inlighten'd by human Reaſoning, or by Study, but alſo by Divine Revelation, and by the Inſpiration of the Holy Ghoſt* (1). For a Proof of this Rule, *Gerſon* quotes the thirteenth Chapter of the *Acts of the Apoſtles*, and the Gifts of Interpretation mention'd by St. *Paul*. This can't admit of any Diſpute with regard to the Apoſtles who explain'd the Oracles of the Old Teſtaments; but it might be liable to Contradiction ſince the Apoſtles Time. Be it as it will, *Gerſon* was much in the right to ſay, that the Doctors ſhould be confronted with one another, and that they who have the Qualifications ſpecify'd in the foregoing Rule, ſhould have the Preference to thoſe who have them not, and they who are inſpir'd, to thoſe who are not.

THE ſixth is, that the Holy Scripture ſhould not be receiv'd ſo nakedly and ſimply as to deſpiſe human Traditions; but that, on the contrary, in order to underſtand it aright, Recourſe ought to be humbly had to *human Laws*, Canons, Decrees, and the Gloſſes of holy Doctors. *Gerſon* ſays, that this Maxim may be prov'd by the Method of the Hereticks themſelves, becauſe they frequently quote the Doctors, and even ſome of very ſmall Authority, to corroborate or to palliate their Doctrine.

THE ſeventh is, that the Holy Scripture requires Explanation, not only in its original Terms, but alſo in its Expoſitors. For Example, *ſays he*, if St. *Auguſtin* has ſaid in one Place, that the Laity ought to receive the Blood of Jeſus Chriſt in the Euchariſt, in order to communicate ſavingly, and ſeems to have ſaid the contrary elſewhere, the Paſſages ought to be compar'd with one another, in order to be reconcil'd. St. *Auſtin* has ſomewhere ſaid, *Believe, and thou haſt eaten.* He might alſo have ſaid, *Believe, and thou haſt drank.* *Gerſon* would

*Aug.* T V. P. 394

(1) Scriptura Sacra ſua primaria expoſitione habuit homines eruditos, non ſolùm humanâ ratiocinatione, vel ſtudio, ſed divinâ revelatione & inſpiratione Spiritûs Sancti.

inſinuate

inſinuate by this laſt Period, that 'tis not neceſſary to communicate actually in the Species of Wine, becauſe it may be done by Faith. But there ſeem to me to be two great Defects in his Argument. The firſt is, that St. *Auſtin* having no where ſaid, *Believe, and thou haſt drank*, as he has ſaid, *Believe, and thou haſt eaten*, 'tis a romantick Concluſion to infer any thing from what he might have ſaid, but has not. 2. That St. *Auſtin*'s Expreſſion proves nothing at all, becauſe it proves too much; for to take it literally, it would follow, that a Man need not communicate, either in one kind or the other. *Gerſon* ought here therefore to have kept to his own Rule, namely, to have compared this Paſſage with others where St. *Auguſtin* treats of the Euchariſt; and he would have found, that in the preſent Caſe no Inference could be drawn from the Doctor's Expreſſion. 1417.

THE eighth Rule is, that Broachers of new Opinions, who maintain the Neceſſity of believing the Holy Scripture in the literal Senſe (1), without the Help of any Interpreter, expoſe it to Perils and Scandals, for which it is of Importance to provide a timely Remedy. He propoſes to convince the Innovators, he mentions, of Contradiction; becauſe, on ſome Occaſions, they admit of the Authority of the Doctors, and on others they reject it. It would be no very difficult Task to ſhew that there's no Contradiction in this; but my Deſign being not to enter into Diſcuſſions of this Nature, I ſhall only offer ſome hiſtorical Remarks. One is, that *Gerſon*'s Cenſure could not fall upon *John Hus*, becauſe he did not abſolutely reject Tradition; and that, in his Commentaries upon the Scripture, he frequently quotes the Gloſs, the Fathers, and the Schoolmen. The other is, that *Gerſon* ſeems to blow hot and cold in a Breath; for, in another Place, he condemns as a Hereſy this Propoſition aſcrib'd to *John Petit*; *He that explaineth the Holy Scripture literally, deſtroyeth his own Soul.* If, according to *Gerſon*, 'tis a Hereſy to condemn the literal Explanation of Scripture, he ought not to condemn the *Begards*, and the *Poor Men* of *Lyons*, who, according to him, are for explaining the Scripture in a literal Senſe. Theſe are his Words; *From this poiſonous Root ſprung the Errors of the* Begards, *the* Poor *of* Lyons, *and the like. There are many Laymen among them who have a Verſion of the Bible in the Vulgar Tongue, to the great Prejudice and Scandal of the Catholick Truth. 'Tis propoſed to remove this Scandal in the College for Reformation.*

*Gerſ. ubi ſupr.* p. 459

THE ninth Rule is, that the authentick Expoſition of the Holy Scriptures reſides in the Authority and Approbation of the Catholick Church, but eſpecially the Primitive Church, which received both

(1) In nudis terminis.

the

1417. the Scripture and the Understanding of it immediately from Jesus Christ, by the Holy Ghost, on the Day of *Pentecost*, and upon other Occasions. In my Opinion, there's nothing in all this Rule but what the *Hussites* would have set their Hands to without any Scruple. They would also have easily admitted the Consequence which *Gerson* draws from it, *viz.* That in the Explanation of the Scripture, and the Administration of the Sacraments, more Regard ought to be had to a Custom of the Catholick Church, than to the Authority of a particular Doctor, even though he were a Saint.

1 *Cor.* xi. 19. THE tenth Rule runs thus *verbatim*. 'God suffers those who read 'the Holy Scripture to wrest it, and to misuse it, to the end that 'they which are approved may be made manifest, in order to excite the 'Learned to the Study of the Scripture, as St. *Austin* says, and to clear 'up several particular Truths by a daily Exercise. Nevertheless, when 'they who read or quote the Holy Scripture, have the Presumption 'to put a perverse (1) Sense upon it, contrary to what is taught in 'the said Scripture, declar'd by the Church, and observed by the 'Faithful, 'tis more proper to undertake the Defence of the Scrip-'ture, by severely punishing *(iudiciali severitate & executione punitivâ)* 'the Innovators, than to deal with them by the way of Argument, 'and by Word of Mouth or Writing.' He says, that this Rule is a Consequence of the former. I own, that I don't here understand *Gerson*'s Logick: 'Tis a very blunt rash Inference, but especially 'twas the most improper in the World to draw the *Hussites* to *Constance*, whither they were summon'd.

To these speculative Rules *Gerson* adds some that are Practical (2), concerning the Means that ought to be used for preventing the Communion in both kinds from prevailing, which are in Substance these: The employing the Secular Arm, on the one hand, to suppress Hereticks; and Doctors, on the other hand, to instruct them by Treatises (3); and the allowing to them in Disputations all that may be conceded *Theologically* and *Rationally*, in order to bring them with the more Ease to the main Point of the Question. 'For Example, *says he*, it ought 'to be granted to them without Scruple, that it may happen, and 'actually has happen'd, that the Laity have communicated innocently, 'and even meritoriously, in both kinds, as the Church hath some-'times communicated with Leaven'd Bread, in order to remove all 'Suspicion of Judaism, and as Jesus Christ instituted the Communion 'after the Supper.' *Gerson* is also for allowing them, that human Au-

(1) Perversum & protervum intellectum.

(2) M. *Dupin*, in his beautiful Edition of *Gerson*'s Works, among these speculative and practical Maxims, places a Fragment of another Work, which *Gerson* composed upon this Subject. *Gers.* p 462, 463.

(3) *Maurice* of *Prague* composed one at that Time. *V. d. Hardt*, T. III Part 21.

thority

thority and Cuſtom are of no Avail againſt the Scripture; but he would have them convinced, at the ſame time, that the Scripture is ſuſceptible of Interpretation and Expoſition. He would alſo have a careful Diſtinction made in the Adminiſtration of the Sacraments, of what is eſſential to them, from what is only neceſſary in them, from a Neceſſity *of Precept*, and by Conſequence from human and poſitive Law: The firſt, ſays he, the Church cannot alter, but ſhe has Authority to change the ſecond, in which Claſs he places the Communion in both kinds, or one kind only. He is of Opinion, that the Council ſhould deſire the Emperor to eſpouſe the Quarrel and Intereſt of the Church in this Matter, becauſe this Emperor was a Witneſs of the Decree of the Council relating to the Point in hand, and becauſe the Hereſy had its Riſe in the Kingdom of *Bohemia*, of which he is preſumptive Heir. He thinks 'tis of very great Importance, if the *Bohemians* could be convinced that they are not condemn'd, either out of Spite or Envy, but only from a Motive of Zeal for the Catholick Faith. *And this they will ſurely be*, ſays he, *when they obſerve that the Council is in good Earneſt for extirpating all Errors indifferently, without reſpect either to Perſons or Nations. But they would have Cauſe for conceiving a bad Opinion of the Intentions of the Council, if it only aim'd at the Proſecution of them alone, and ſpar'd thoſe Perſons who are guilty of Errors more dangerous than the* Huſſites. This is an indirect Reproach of the Council's Indulgence for the Errors of *John Petit*, and their Partiality in favour of the Duke of *Burgundy*. The following Article ſtrikes alſo at the Method by which they had proceeded in the Examination of *John Petit*'s Propoſitions. *'Tis neceſſary*, ſays he, *to treat of the Affair of the Euchariſt in free and peaceable Conferences between Divines, and not by Proceedings at Law; and that it be conſider'd by ſuch Divines as are not ſuſpected of being erroneous in other Points.* This is a Satyr levell'd againſt thoſe who favour'd *John Petit*'s Propoſitions. *Gerſon* concludes this Tract with a long Catalogue of the Inconveniencies which would ariſe from the Communion in both kinds. As for Example; *the Danger of ſpilling the Wine; of its turning ſour; of its congealing; of Flies breeding in it when 'tis kept for ſick Patients; of long Beards defiling it; of the conſecrated Veſſels being prophan'd in the Hands of the Laity; the want of Wine in ſome Places where it does not grow, and where 'tis very dear; the want of Veſſels ſufficient for the Conſecration of the great Quantity of Wine that is requir'd in certain Conjunctures; as at* Eaſter, *when in ſome Places they are oblig'd to conſecrate enough for twenty thouſand People.* Hereto he adds, that this Cuſtom might draw ſeveral Errors along with it, particularly theſe: 'That the Laity are in this 'reſpect of the ſame Dignity as the Prieſts; that this Practice always 'was, and ſtill is, neceſſary, and that, by Conſequence, they who have

1417.

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1417. ‘ not follow'd it are damn'd, and that the Doctors who have taught ‘ and practis'd the contrary, have been Prevaricators that have perverted the Scripture. That there is not so great Virtue in the Consecration of the Sacrament as in the Receiving of it (1). That the ‘ Sentiments of the Church of *Rome* concerning the Sacrament, are ‘ not Orthodox; and that in this it must not be imitated: That ‘ general Councils, and in particular the Council of *Constance*, have ‘ err'd in Faith and Manners.

Letter from the Emperor to *Bohemia*. *Sept.* 3.

LXVII. PERHAPS it was this Advice of *Gerson* which engag'd the Emperor to write a very strong Letter about it to *Bohemia*. 'Tis directed to the Inhabitants of *Launy* (2); where it may be suppos'd, that *Hussitism* had made a great Progress from a Letter both of Exhortation and Congratulation which *John Hus* wrote to them before he went to *Constance*. The Emperor acquaints the *Bohemians* in this Letter (*a*)'. That the King his Brother, and some Lords of *Bohemia*, often intreated him by Letters and Ambassadors to unite with the ‘ Council, for appeasing the Commotions in that Kingdom, on account of the dangerous Innovations therein introduc'd. That he ‘ had hitherto hinder'd the Council, as far as he cou'd, from proceeding ‘ to any Extremity that might be disagreeable to the King his Brother (3), and prejudicial to a Kingdom which he loved as his (4) ‘ Native Country and Inheritance. That he is sorry to hear, that, notwithstanding his repeated Instances with *Wenceslaus* and the Nobility, ‘ things grew every day worse and worse. That the Clergy are stripped; that the most sacred Things are profan'd; that the Ecclesiasticks are forced to consent to the Prophanation in spite of their ‘ Teeth; and that in Contempt of the Keys of the Church, Persons ‘ are upheld who are excommunicated and subjected to an Interdict. ‘ That the Laity exercise a thousand Acts of Violence upon the ‘ Priests; that, not content with stripping them, they commit them to ‘ Prison, and force them to abjure the Catholick Religion by Tortures ‘ as cruel as those which *Nero* invented against the Christians; that they ‘ cause trifling Constitutions to be publickly fix'd up against the Decree of ‘ the Council of *Constance* relating to the Communion. That such tragical, such moving Complaints are lately arriv'd upon that Head, that ‘ the Council is resolv'd to proceed against *Wenceslaus* as a Favourer ‘ of those Disorders, or at least as guilty of conniving at them; because, says he, some Persons have openly declared, that People wou'd not

(*a*) *Epist. Conc. ad Lunenses ap. V. d. Hardt.* T. IV. p. 1405. *ex* MS. *Helmst.*

(1) Quod virtus hujus Sacramenti, non est principalius in consecratione, quam in sumptione.

(2) Ad Lunenses. *Op. Huf.* T. I. Epist. XIV. Fol. C. Launy, in *Latin Launa*, is a Royal Town in *Bohemia*, upon the *Egra*.

(3) This was extraordinary Tenderness in the Emperor to a Brother whom he had made no Scruple to commit to Prison.

(4) Nos qui ex ipso originem traximus, velut hæredem invitat & allicit natalis dulcis Memoria.

‘ dare

'dare to enter upon ſuch Attempts, or to commit ſuch horrible Sacri- 1415.
'leges under ſo powerful a King, if there had not been Connivence
'in the caſe. But that in complaiſance to him, the Council was
'prevail'd upon with ſome difficulty to ſuſpend its Proceeding, in hopes
'that *Wenceſlaus* wou'd alter his Conduct, which if he did not do
'quickly, his Honour and Glory wou'd not permit him to uſe his
'Interceſſion any longer.' The Letter is dated the 3d of *September* this Year.

IT appears by this Letter, that we want a great many other Acts concerning this Affair; and that there were ſeveral Embaſſies and Deputations from *Prague* to *Conſtance*, and from *Conſtance* to *Prague*, of which Hiſtory is ſilent. This is not the only Letter which the Emperor wrote to *Bohemia*, during the Council. The Jeſuit, who has epitomis'd the Affairs of *Bohemia*, tells us of three Letters which this Prince wrote from *Paris* (1) in *March* 1415, one to the Great Men of *Bohemia*, another to thoſe of *Moravia*, and a third to the *Magiſtrates* and Cities of *Prague*. This Author, who ſaw them in MS. in the Archives of the Church of *Prague*, ſays, that they are written in a Stile ſo haughty and ſo bitter, that he ſhou'd have taken them for the Fiction of ſome *Huſſite*, if he had not obſerv'd that they were the Hand-writing of a Catholick and a Prieſt, and if the Severity, which the Emperor afterwards manifeſted in his Conduct, had not naturally induc'd him to believe that the Emperor might well write in that Strain. 'Sigiſmond ſays, he ought to remember that he was not 'yet King of *Bohemia*, and that in the then State of Things, he ſtood 'in need of Friends to attain to that Dignity. When a Man is to 'ride a mettleſome Horſe, he muſt ſtroke and not curb him till he 'is firm in the Saddle. This premature Severity was the reaſon that 'Sigiſmond had much a do to be recogniz'd King of *Bohemia* after 'the Death of his Brother, and he wou'd never have carry'd his Point 'with an Army of a Hundred Thouſand Men that he march'd with to '*Prague*, much leſs with threatening, and ironical Letters, if he had 'not been prevail'd on by *Menard de Maiſon neuve*, to take other 'Meaſures, and to obſerve other Conduct, with regard to the *Bohe-*'*mians.*' That was the Opinion of this Author. But it were to be wiſh'd that he had publiſh'd thoſe Letters, becauſe they might have let us into ſeveral Particulars relating to the Situation of Affairs in *Bohemia* at that time. We have met with ſome of them among the MSS. at *Leipſic*, which are worth inſerting here, and are a full Confirmation of *Balbinus*'s Opinion. The firſt is exactly of a piece with

Balb. *Epiſt. Rer. Bohem.* P. 424.

(1) The Dates of thoſe Letters are miſtaken, or elſe they muſt have been fictitious; becauſe the Emperor was at *Conſtance* in the Month of *March*, and did not ſet out for *Paris* till *July* that Year.

1417. that of which we have just given the Substance. There is another written to his Brother *Wenceslaus*; wherein he tells him, amongst other things, that it was none of his Fault, they had not conferr'd together on ways and Means for procuring the Welfare of their Kingdom, and for confirming brotherly Love, but that he was inform'd that he design'd to bring along with him some Persons of whom he had a Suspicion. That nevertheless, he was not against a friendly Conference, provided he cou'd be assur'd that the *Romish* Religion wou'd not be abandon'd. Lastly, He intreats him to have a Care of being excommunicated by the Council; because, in this case, a *Croisade* will be publish'd, and that he cannot excuse himself from taking up the Cross against him. The third Letter has no Date; but 'tis plain, it was written after the Death of *Wenceslaus*. 'Tis perfectly satyrical, and full of Irony and virulent Sarcasms. The Superscription of it is thus, *SIGISMOND, by the Grace of God, King of the* Romans, *of* Hungary, Dalmatia, Croatia, *always August*, &c. *King, as well as Chief Heir and Lord of the Kingdom of* Bohemia, to our Trusty and Well-beloved the Judges, the Burgomasters *Strobback*, *Retzko*, and the other Echevins of *Old* and *New Prague*, and to all the Holy Societies of *Prague*, Greeting, (*SALUTEM OPPORTUNAM*) (1). 'Above all Things, we wish you not to abandon the *Holy Doctrine* 'of *Wickliff*. O what Joy is it to a Prince to have so great a Number of such *Governors* (2) and such Subjects! It will establish his 'Throne, and his Glory will ring from *East* to *West*. Therefore Trusty and Well-beloved, it rejoyc'd our Heart to hear your Prudence, 'Moderation and Agreement. Truly you are a Mirror which the other 'Countries ought to consult, the Light of the Ignorant, and of those 'who wander in Darkness, and the Council of *Constance* is but Obscurity in comparison of your Wisdom. Have you not inlighten'd the 'City of *Prague*, and all *Bohemia*, by the Lustre of your Knowledge. 'You can do well enough without either Pope or King, you are so Wise. 'You have destroy'd the Pious Monuments of your Kings (3). You 'have burnt the *Carthusians* Monastery, which was founded near 'Prague, by the most Serene *John* King of *Bohemia* our Grandfather of 'Glorious Memory (4). You have turn'd the *Monks* and Nuns out of 'their Convents, and the Curates out of their Parishes; because, say 'you, they refused to receive God's Law, which you undoubtedly know 'full well. You have had the Assurance and the Cruelty to massacre the

(1) This Greeting is Ironical.

(2) *Præfectos præ cæteris.*

(3) As to this Destruction of *Monasteries*, see *Æneas Sylv. Dubrav. Theobald. Balbinus.* We shall mention it in the Account of the War of the *Hussites*.

(4) There are some Words here which I don't well understand. *As the Monks of this Convent were of no Service to the Holy Church, you have made them like the Deaf who hear, and the Dumb who speak*, according to the saying in St. *Matthew*, *Thou hast made them with Ears that hear not, and Tongues that speak not*

'Judges

1417.

‘ Judges and Echevins of *New Prague*, by throwing them headlong out ‘ of the Windows of the Town-house in order that you may be *strong* ‘ *and valiant* (1). You have broke the Images of *Jesus Christ* and ‘ the Saints to Pieces like unprofitable Idols. You have expell'd ‘ a great Number of learned Men and Scholars from *Prague*. By ‘ your own Authority you cause the Tombs of the Dead to be co- ‘ ver'd with Sheets, (*Feretra mortuorum & alia insignia funebria*); and ‘ you deny them to be lighted with Wax-Tapers. Nor will you suf- ‘ fer the exposing of the Relicks of the Saints, nor the Elevation of ‘ the sacred Host (2). You forbid the Kissing of the *Pax* during the ‘ Mass, and you have also condemn'd other spiritual Laws that have ‘ long been ob'serv'd in the Church. You have moreover rank'd among ‘ the Saints, Master *John Hus* and *Jerome* of *Prague*, who were put ‘ to Death, as you say, for the sake of God's Law; You celebrate Days ‘ in Memory of them, and you hope like them to receive the Crown ‘ of Martyrdom, while you neglect the Festivals of the Saints. You ‘ rejoice to admit Preachers of both Sexes among you, as Persons that ‘ are infallible, and whose unparallel'd Wisdom is every where cry'd ‘ up. What Man is there that will be sufficient to sing your Praises, ‘ if you make new Progress every Day in those Holy Innovations? ‘ Certainly, the Kings and Princes of Christendom have admir'd, as ‘ they do still, and will hereafter admire the extraordinary Wisdom ‘ which has been pour'd out upon You, unknown to the Primitive Fathers. ‘ Therefore, Dearly Beloved, heretofore, when we wrote to you to ‘ break off from your Obedience to the Church of *Rome*, we did it ‘ from Ignorance, not knowing that you were possess'd of such ex- ‘ quisite Knowledge. But above all, don't think that we were not ‘ wonderfully pleas'd to hear that at the Funeral of the most *Serene* ‘ Prince *Wenceslaus* King of *Bohemia*, our most Dear Brother, in or- ‘ der to procure Rest for his Soul, and to comfort the most *Serene* ‘ Queen *Sophia* our Sister-in-Law, you arm'd your selves suddenly in ‘ the Space of four Hours with Swords, Sticks, Clubs, and Cross-Bows, ‘ and that thus arm'd you ran about the Cloysters, Churches and Chap- ‘ pels singing your fine Funeral Ditties. Therefore all we have to do, ‘ is to intreat you earnestly to associate us to your College, and to ‘ use all your Endeavours that we may be able to attain to the Go- ‘ vernment of the Kingdom of *Bohemia*. But however, don't we say ‘ according to the Gospel, *We will not have this Man to reign over* ‘ *us*; or, as it is said in another place, *This is the Heir, let us kill him.*

(1) Probably this is an Allusion to *Matt* xxi. 29.

(2) 'Tis in the Original *la Monstrance*, or the exposing according to *Du Cange* of the *Phylactères* or *Reposoirs*, or the little Coffers containing the Relicks and the *Eucharist*.

1417. 'For our Intention is to improve by your Advice, and to govern ac-
'cording to your Hints (1).

BESIDES theſe Letters that we meet with among the *Leipſick* MSS. there are ſome others which indeed do not relate to the Council; but nevertheleſs, as they belong to Religion, and concern theſe Times, they deſerve a place here, and the rather, becauſe perhaps they wou'd never find one elſewhere. There are three which contain Recommendations to all Chriſtendom for a certain Mahometan Count, call'd *Bartholomew* of *Bethſaida* (Son to *Octavian* Count of *Bethſaida*) who had quitted the Mahometan for the Chriſtian Religion. The firſt of them is from *Wenceſlaus* King of *Bohemia* in theſe Terms'. *Wence-*
'*ſlaus*, by the Grace of God King of the *Romans* (2), always *Auguſt*,
'and King of *Bohemia*, We make known by theſe Preſents, that we al-
'ways look'd upon the Converſion of Men from their Errors, as the
'greateſt Work of Piety. For, if as our Saviour ſays, a Cup of cold
'Water given to him that is thirſty ſhall not loſe its Reward, with
'much more reaſon ſhall the Care which is taken for the Salvation of
'a Soul be rewarded in proportion to the Excellence of the Soul a-
'bove the Body. For theſe Cauſes, the Count *Bartholomew* of *Beth-*
'*ſaida*, having by the Illumination of the Holy Ghoſt, quitted the
'*Pagan* Errors (3) to embrace the Chriſtian Faith, and to receive
'the Holy Baptiſm in our Church; we recommend him in a very
'particular manner to your Protection, and your Charitable Offices, in
'the Name of God, and in regard to our Majeſty, the rather becauſe
'he is come naked out of his own Country, and has nothing to de-
'pend on but the Favour and Aſſiſtance of Chriſtians.' This Letter is dated the 25th of *October*, 1416. The ſecond Letter, which is of the ſame Date, and almoſt of the ſame Tenor, is alſo a Circular Recommendation of the Mahometan Proſelyte from *Conrad* Archbiſhop of *Prague* to all Chriſtendom: But in this Letter, there are two remarkable Particulars; the one, that hitherto the Count of *Bethſaida* had work'd with his Hands for his Living, but not being able to follow his Calling any longer, he was doubtly worthy of the Aſſiſtance of the Faithful; the other, that the Archbiſhop promiſes Forty days Indulgence to all thoſe who after Contrition and Confeſſion ſhall aſſiſt this

(1) Though this Letter was not written till the Year following, it was thought fit to place it here on Account of other Letters from *Sigiſmond*, who at this juncture abſurdly purſu'd the *Maxim* aſcrib'd to him, *viz. Qui neſcit diſſimulare neſcit regnare.*

(2) He was always own'd in that Quality in *Bohemia*, and even in moſt of the Foreign Kingdoms, after he was depos'd in *Germany*.

(3) *Relictis Paganis damnoſis erroribus*, *i. e.* having abandon'd the damnable Errors of the *Pagans*. This name was then given to the Mahometans or *Sarazens*.

new

new Convert (1). The third Letter, which is from the Emperor *Sigiſmond* on the ſame Subject, is dated the 13th of *March*, 1417. 1417.

LXVIII. BEFORE we reſume the Affairs which relate directly to the Council, we muſt take Notice of a Diſpute between the Princes of *Bavaria*, which then made a mighty Noiſe at *Conſtance*. The two Brothers *William* and *Erneſt*, Dukes of *Bavaria*, and *Henry* their Couſin *German*, had been arriv'd there ſome Months (2), not only to be preſent at the Council in Quality of Chriſtian Biſhops, but alſo to lay their mutual Complaints before the Emperor. They had eſpecially very great ones to exhibit againſt their Couſin German, *Lewis* of *Bavaria* of *Ingolſtad*, Son to the late Duke *Stephen* (3), and Brother-in-law to *Charles* VI. King of *France*, who had married *Iſabel* of *Bavaria*. *Aventin* (*a*) ſpeaks of this Duke as a Prince of boundleſs Ambition and Avarice, and whoſe Affinity with the King of *France* added to his natural Pride. He was come into *Bavaria*, enrich'd with the Spoils of *France*, where he had fiſh'd in troubled Waters, during the Diviſions which diſtracted that Kingdom. Being puff'd up with theſe Advantages, he behav'd like a perfect Tyrant, both to the Princes of his Family, and to his Neighbours, as has been already obſerv'd elſewhere. The ſame Author ſays, it was this *Lewis* who ſummon'd his Couſins *Erneſt*, *William* and *Henry*, to appear before the Emperor, pretending that he had been ill us'd in the Partition of *Bavaria*; and that in particular, *Henry de Landſhut* did not pay him the Yearly Penſion which he was oblig'd to pay him according to their Shares. But 'tis more natural to adhere to the Teſtimony of *Windeck*, the Emperor's privy Counſellor, who being preſent at *Conſtance* was Witneſs of the whole Scene. He reports the Fact thus: *Henry* of *Bavaria*, ſurnam'd *de Landſhut*, having, in conjunction with his Couſins, exhibited Complaints againſt *Lewis* of *Ingolſtad*, contain'd in Eighty-three Articles, *Lewis* wou'd fain have declin'd the Emperor's Tribunal, under Pretence that he had a Wife and Children ſettled in *France*; but *Sigiſmond* having caus'd his Exceptions to be examin'd in the College of the Princes of the Empire who were at *Conſtance*, they were thereby declar'd null and void, and *Lewis* was condemn'd to own the Emperor's Juriſdiction. He deſir'd Time which was granted him, and the 26th of *Auguſt* was fixed for

Diſpute between the Princes of *Bavaria*, *V. d. Hardt.* T. IV. p. 1221.

(*a*) *Avent. ubi ſupr.* p. 779.

*Windek.* C. p. CXXIX.

*Auguſt* 26. *V. d Hardt.* T. IV. p. 1405.

(1) Omnibus verè fidelibus contritis & confeſſis qui ante dictò *Bartholomæo* pro ſua neceſſitate relevandâ, pro nomine Jeſu Chriſti ſubvenerint & duxerint generosè ſubveniri dum de Omnipotentis Dei Miſericordiâ & Beatorum Petri & Pauli Apoſtolorum meritis & interceſſione, confiſi quo Jubilæa dies indulgentias de immeritis eis pœnitentiis in Domino miſericorditer relaxamus.

(2) *Erneſt* and *William* were Sons to *John* of *Bavaria*, and *Henry* was the Son of *Frederick* who dy'd in 1393, *Aventini Boior. Ann.* L. VII. p. 763.

(3) *Stephen* was Brother to *Frederick* and *John*.

his

1417. his Appearance, on which day, he appear'd in an Assembly of the States of the Empire, when *Frederick* Elector of *Brandenbourg*, in the name of *Henry* his Brother-in-Law, renew'd the Complaints which had already been exhibited against *Lewis*. The latter also desir'd Time, which was with some difficulty granted him after he had sworn that he did not desire it with any dilatory View. The next *August*, 2. day the Emperor reassembled the Princes, and the Elector of *Brandenbourg* repeated his Complaints; *Lewis* desir'd a few days longer for the third Time, which was granted him on condition that he wou'd swear as he had done before, that his Intention was sincere. He consented to take this Oath, and chose even to do it in haste without staying for the Emperor's Order. But in taking the Oath he let fall some disrespectful Words, and kiss'd his Hand abruptly, as if he had a design to retract what he had sworn. Thereupon the Elector of *Brandenbourg* demanded of the Princes, whether *Lewis* by this Proceeding had not forfeited any Title to longer Time, which being unanimously agreed to by the Princes, *Lewis* was condemn'd to answer upon the Spot; but instead of so doing, he demanded in a Passion, whether it wou'd not be as convenient to make the Judges swear, that they wou'd judge with Equity. The Emperor was provoked at this Assurance of his. *I know*, says he, *that the Judges have judg'd justly, and I don't remember that ever a Judge was put to his Oath to decree Justice.* Whereupon the Archbishop of *Riga* said to *Lewis*, that if he was a temporal Bishop, he wou'd retort the Affront, otherwise than by Words. As their Tempers grew warm, the Princes thought fit to defer this Affair till another Time. Till it comes again upon the Carpet, we will see how it went with the Election of the Pope, and the Reformation of the Church.

A Place chose for the Conclave. *V. d. Hardt*, T IV. p. 1394.

LXIX. NOT many days after *Benedict* was depos'd, they thought of preparing a Place for the Meeting of the Conclave, and for this end they chose the Merchants Publick House, commonly call'd the *Exchange*. Though they seem'd a little too hasty in the Choice of a Place for the electing of a Pope; yet the Emperor did not oppose it, because he imagin'd that before the Place was got ready the Affair of the Reformation wou'd be settled. He had already some days before given License for Publick Devotions for the happy Success of the Election, which, as has been before observ'd, formed a Plea in favour of the Pretension of the Cardinals and their Adherents. It must be own'd, that herein *Sigismond* acted more like a Great Prince, who thought himself above all Formalities, than like a Politician, who, in an Affair which was disputed with so much Heat as this was, ought not to have given the opposite Party the least Advantage.

Consultation of the Divines upon that Affair.

LXX. WE find in the MSS. of *Leipsick*, and in the *Anecdotes*, so often quoted, a Theological Consultation upon the Union, the Reformation

mation of the Church, and the Method of proceeding in the Election 1417.
of a new Pope, which may be capable of giving ſuch Lights into thoſe Diſputes as we cannot receive from the other Acts. This Piece, which is too curious to be omitted here, is divided into three Parts. In the firſt, there are twelve Doubts propoſed to the Divines for their Solution. In the ſecond, the Divines anſwer by three Concluſions, which are in Favour of the Memorial that the Cardinals had preſented in concert with the *Italians*, *French* and *Spaniards*. In the third, there's an Anſwer to the Objections of the *Germans* and *English*, at the Head of whom was the Emperor. However, the two Parties are no otherwiſe mention'd in the Memorial, than as follows.

## THE FIRST PART.

THE Memorial begins thus. *In order to obviate the many Errors, which ſeem to ariſe at preſent upon the Point of the Union of the Church, the Opinion and Conſultation of the Divines is demanded concerning the following Doubts which favour of the erroneous Sentiments of* John Hus.

1. 'TIS demanded, if it be not an Error and an Injury, and if it has not a Tendency to diſturb the Peace and Tranquillity of the ſacred Council, to ſay, that the Offer which was made by the Cardinals, and accepted by the Nations (1), is erroneous, dangerous to the Church, and ſcandalous. 2. If it does not incur a Suſpicion of obſtructing the Union, and keeping up the Schiſm, when this Offer is rejected, without propoſing better Methods, and when People, inſtead of conferring with others upon the Matter, ſeek Delays in a Subject where Diligence is ſo neceſſary. 3. If it has not a Tendency to take away the Liberty of the Council, and, if it does not give Ground to apprehend ſome Violence, to cauſe the Secular Power to intervene (2) for hindering the other Nations from taking this Offer into Conſideration, and from giving their Anſwers. 4. If it be not againſt the Divine Law, that is to ſay, againſt the Order of Jeſus Chriſt, who has eſtabliſh'd St. *Peter* for his Succeſſor and Vicar, to ſay, that when the Apoſtolical See is vacant every where *(apud omnes Nationes)* 'tis not neceſſary to elect a Sovereign Pontiff, according to the Canons (3), and that the Church may remain a long while, and even to a determinate Time, without the Apoſtolical Head (4), and with-

(1) *Per nos Nationes.* Theſe are the *Italians*, *French* and *Spaniards*.

(2) This means the Emperor. *See above in this Vol.* p. 55.

(3) *Canonicas Sanctiones.* Here is an equivocal Expreſſion. By the Canons, theſe underſtood the *New* Canon Law; whereas the others underſtood the Old Canon Law.

(4) Here is an Allusion to *Gerſon*'s Treatiſe, *De Auferibilitate Papæ*. As to which, ſee *The Hiſtory of the Council of Piſa*, p. 37, 38.

1417. out settling the Manner and Form of the future Election canonically. 5. Whether such a Proposition is not to be suspected of Heresy *(pravitatis Hæreticæ,)* and in particular of the Heresy of *John Hus*, condemn'd by this sacred Council, because that Arch-heretick maintain'd that the Church might be better govern'd without a Pope (1). 6. Whether it be an Error that favours of Heresy, and is injurious to the Council, to say that the Decrees, Capitulations (*Capitula*) and Oaths of the Council, rightly understood, may be contrary to the Divine Law, or to the Institution, or Order, which Jesus Christ gave to substitute a Vicar for him (2). 7. Whether the saying, that not only the Election of a Sovereign Pontiff, but also the Measures, as to the Time and Manner of that Election, ought to be defer'd till the Head is reformed, that is to say, the Pope, the Cardinals, and the Court of *Rome*, because such Reformation cannot be if the Pope presides there; and whether the labouring effectually for those Delays is not an Error that favours of the Heresy of *John Hus*. 8. Whether it be an Error to say, that the Measures taken canonically, for the future Election, is not the first and principal Affair of the Council, and that which ought to precede all the others; and whether to say the contrary be not an Error which disturbs the Order that ought to be observ'd in the Reformation, because the Deformity, which the Church labours under in being without a Head, being very dangerous, an Election must begin the Reformation. 9. Whether it be not an Error contrary to *bonos mores Ecclesiasticos*, to say, that 'tis not so inconvenient to let the Church remain without a Head, as to give it a Head without a Reformation. 10. Whether it is not a Heresy of the very same Stamp with that of *John Hus*, to say, that the *Roman* Pontiff, or the Catholick Church, cannot be truly reform'd, but by depriving it of the Temporal Revenues with which Princes have endow'd it to Superfluity. 11. Whether the causing the Temporal Power to intervene for the Exercise of Acts of Violence, and for employing the Secular Arm against certain Ecclesiastical Persons of this Council, without Authority, and without a Decree for the Purpose, or under Pretence that such Ecclesiasticks are Disturbers of the Council; whether, I say, such Counsels, and such Conduct, do not render the Authors thereof liable to the Penalties by Law decreed against those who violate the Ecclesiastical Liberty, Penalties which have been confirm'd and renew'd in this Council. 12. Whether they, who pretend and affirm, that the

(1) *John Hus* only said, that the Church would be better govern'd without such Popes as were at that Time.

(2) As this Article is very ambiguous, and perhaps faulty, I will here insert it in the *Latin*; *Utrum quantumque hujusmodi Concilii Decreta, Capitula, vel Juramenta sane intellecta, possint obstare præfato Juri divino seu Ordinationi Christi de substituendo sibi Vicario, & utrum hoc dicere sit erroneum & sapiens hæresim & huic Concilio injuriosum.*

King

King of the *Romans*, by virtue of the Dignity, or under any pretended Title, as *Conſervator of the Council and its Decrees*, may exerciſe any Juriſdiction over the Clergy; whether thoſe People do not err in Manners and in Law; whether they ought not to paſs for Favourers of the Schiſm, Diſturbers of the Council, Violators of the Eccleſiaſtical Liberties; and whether as ſuch they do not incur the Penalties of the Law, to their own Condemnation. 1417.

## THE SECOND PART.

THE chief Arguments upon which the Doctors found theſe Concluſions, are, 1. That of all the Abuſes to be reform'd in the Church, there is none greater than that of having no Pope, eſpecially conſidering for how long Space of Time it has been deſtitute of one, by means of the Schiſm; which, according to them, renders thoſe that have a mind to retard the Election of a Pope, and to put it off till after the Reformation, very much ſuſpected of *Huſſitiſm*, and of a Deſign to keep up the old Schiſm, or to form a new one. 2. And this is the more to be fear'd, becauſe, if the Council ſhould ſeparate before the Election of a Pope, it will be very difficult to aſſemble another, which however would be neceſſary, becauſe the Rights of the Cardinals to chuſe a Pope have been ſuſpended. 3. That, in the mean time, there is all the Appearance in the World, that the Separation of the Council will become unavoidable. *Every body*, ſay they, *is quite tir'd out by their long Stay, but eſpecially the City of* Conſtance, *and its Neighbourhood. Moreover the Phyſicians give out, that the Air has an extraordinary Diſpoſition to be peſtilential. The Animoſity and Diviſions which have happen'd between the King of the* Romans *and ſome Nations, as well as between the Ambaſſadors of a certain Kingdom and ſome Princes, give Ground alſo for apprehending a ſpeedy Rupture. In ſhort, the Prelates are wanted at their Sees, by reaſon of the Wars and Maſſacres which are committed in many Parts thereof* (1). 4. Unleſs a Pope be choſen, there's no Reaſon to expect that the Reformation will take Place in the Council; becauſe two Years ago, when the Council was more united than 'tis now, they could not agree upon one ſingle Article, *viz.* the Eſtabliſhment of the Popes and Cardinals.

## THE THIRD PART.

THIS contains an Anſwer to the Objections of the other Party The firſt is, that if a Pope be choſen before the Reformation, he will not fail to hinder it. This Alternative is propoſed by way of An-

(1) This chiefly relates to *Hungary*, and the Dominions of the Duke of *Auſtria*.

1417. ſwer. Either the Reformation may be made canonically, in the Abſence, and without the Conſent of the Pope, or it cannot. If it may be made without his Conſent, 'tis abſurd to ſay that he would hinder it, becauſe it would not be in his Power even to prevent his being depoſed. If it cannot be made without his Preſence and Conſent, 'tis the ſame thing not to call him when he is created, or not to ſtay till one is elected, becauſe either Way the Reformation will be null and void. The ſecond Objection is, that while ſome are ſtriving to make their court to him, and others are afraid to diſoblige him, there would be no Liberty. 'Tis anſwer'd that this is an injurious Suppoſition, and that People, who are capable of ſo much Weakneſs and Partiality, are not fit to be employ'd in the Reformation. The third Objection is, that when once a Pope was choſen, every one would be for going home, as was the Caſe at the Council of *Piſa*. 'Tis anſwer'd, 'That this Objection makes againſt thoſe who ſo mightily preſs for the 'Reformation, becauſe, if they deſire it with ſo much Zeal, they 'will ſtay till 'tis finiſh'd; beſides, that the Council may as well hinder 'the withdrawing of the Prelates, after the Election of a Pope, as 'before. As to the Council of *Piſa*, 'tis affirm'd, that if the Reformation was not compleated there, it was neither the Fault of the 'Pope nor the Cardinals, and that it was reſolv'd by the whole 'Council to put it off (*a*).'

(*a*) *Marten. Aneed.* T. II *p.* 1684, *&c.*

ONE can't help obſerving that there is a great deal of Folly and Malice in this Writing. The Publiſhers of it knew very well, that neither *Sigiſmond*, nor the *Germans*, nor the *Engliſh*, were *Huſſites*, becauſe they were the moſt zealous for proſecuting and puniſhing *John Hus*. And if they thought that the Emperor, the *Germans*, and the *Engliſh*, were of the ſame Sentiments with *John Hus*, as to the Pope and the Church of *Rome*, was not this accuſing the Council of the higheſt Injuſtice, for having ſo cruelly put to Death that *Bohemian* Doctor, for Opinions which he held in common with the greateſt and moſt conſiderable Part of his Judges? Beſides, what could this Clamour againſt the Emperor and the two Nations tend to, but to the Separation of the Council for avoiding the Reformation, and to tell all the World that it were better to relapſe again into the Schiſm, or to have a Church without a Head, than to have a Head well reform'd, in whoſe Steps they ſhould be obliged to tread?

MEAN time, the Emperor bore theſe Affronts with a Patience uncommon for a Prince of ſo great Authority: Which *Theodoric de Niem*, in his Life of *John* XXIII, expreſſes in theſe Terms. 'Several im'portant Reaſons are urg'd here, *ſays he*, why the King of the *Ro'mans* did not return directly to *Conſtance* with his Ambaſſadors. 'The *Italians* at the Council ſay, that this Prince does not act ſincerely,

'and

'and that all his Delays are only to put off the Election of a Pope, 1417.
'becauſe he would have one in his own Intereſt. They have alſo
'propagated defamatory Libels againſt him in many Places. Though
'the Emperor is not ignorant of theſe Tricks, he bears every thing
'with a world of Patience (*a*).

(*a*) *V. d. Har* T. I. p. 92 Death of *Ro* Biſhop of *Sa* bury.

LXXI. A ſad Accident happen'd at this Time with regard to the Emperor's good Intentions concerning the Reformation. This was the Death of *Robert Halam* Biſhop of *Salisbury*. This *Engliſh* Prelate had been, as it were, the Emperor's Right Hand in the Proſecution of this great Work. He formerly ſignaliz'd his Zeal in this Affair immediately before the Council of *Piſa*: For it was he that put *Richard d'Ullerſton*, Divinity Profeſſor at *Oxford*, upon compoſing a Work, entituled, *Queſtions concerning the Reformation of the Church Militant*; which *M. Von der Hardt* cauſed to be printed from a MS. at *Cambridge*, communicated by the famous Dr. *Burnet*, who was one of the moſt worthy Succeſſors of *Robert Halam* in the See of *Sarum*, as well as in his Zeal for the Reformation of the Church. *Robert Halam* went to *Piſa* (1) with this Piece in his Hand, which contain'd a very fair Plan for the Reformation, and which we ſhall have an Opportunity to ſpeak of hereafter. He went with the ſame Spirit to *Conſtance*, where he appear'd with great Splendor. It was he that accompany'd the Emperor in the Viſit he made to *John* XXIII. the Night before his Eſcape, and who actually talk'd to the Pope with ſuch Strength of Argument and Boldneſs, as diſconcerted all his Meaſures. The latter complain'd of this bitterly, as has been already obſerv'd. In an Aſſembly, wherein the Archbiſhop of *Mentz* was very hot in favour of *John* XXIII, *Halam* ſaid aloud, *That Pope deſerved to be burnt alive*. As long as *Halam* liv'd, the *Engliſh* ſtrenuouſly ſeconded the Emperor in the Deſign of the Reformation; but, after his Death, they ſteer'd another Courſe. Mean time, I am ſurpris'd that the Acts of the Council of *Conſtance*, which often ſpeak of *Robert Halam*, by the Title of *Archbiſhop of* Salisbury (2), don't give him the Title of Cardinal, becauſe 'tis beſtow'd upon him by *Henry Wharton*, Chaplain to the Archbiſhop of *Canterbury*, and by *Onuphrius*, who ſays, that *John* XXIII. made him Cardinal Prieſt in 1411. *Robert Halam* died at *Gotleben* the 4th of *September*, and next Day his Corpſe was carry'd to *Conſtance* to be there interr'd; which it was, with Solemnity, on the 13th, in the Cathedral Church; the Emperor, the

*V. d. Hardt*, T. IV. p. 1414. *Sept.* 4

*V. d. Hardt*, T. IV. p. 1126.

*Schelſtr. Ant. Gall.* p. 208.

(1) See *The Hiſtory of the Council of Piſa*, Part I. p. 269. Part II. p. 59.

(2) Here *Salisbury* is probably confounded with *Saltzbourg*, which is an Archbiſhoprick in *Bavaria*. *Cave's* App. p. 59. *Onuph. Pont. Max.* p. 270.

1417. Princes, the Cardinals, all the Clergy, and a great Multitude of People, attending his Funeral Obſequies (1).

The Election of a Pope is preſs'd for. *Sept.* 9. *V. d Hardt*, T. IV. p. 1415. *Schelſt. ubi ſup.* p. 225. *V. d. Hardt*, T. IV. p. 91.

LXXI. IN a few Days after, the Nations being aſſembled in the Cathedral, the Affairs of the Election and the Reformation were debated, with great Heat, on both Sides. The Cardinals, in Conjunction with the *Italians*, the *French*, and the *Spaniards*, did then preſent a Memorial, or rather a Proteſtation, wherein they complain'd, in very lamentable Terms, of the Delay that was uſed in the Election of a Pope. The Proteſt begins thus: 'Hear, O ye People! and ye 'Inhabitants of the Earth, lend an Ear! May the Catholick Church be 'attentive, &c. They therein ſet forth, that for three Months paſt 'the *Germans* have refuſed to anſwer the Propoſitions that have been 'made to them by the Cardinals, in concert with the *Italians*, *French* 'and *Spaniards*, touching the Election of a Pope. That 'tis very 'much to be apprehended that this Delay will plunge the Church again 'into a more incurable Schiſm than the other, becauſe the Clergy 'and Laity of ſome Kingdoms and Provinces don't yet adhere very 'clearly to the Council, in Expectation of the Event of the Election 'of a Pope, in order to obey him, if he be canonically elected; and if 'not, to refuſe him Obedience. That even the Obedience of ſeveral 'who have hitherto adher'd to the Council, begins to ſtagger, by 'reaſon of the Diviſions there are in the Council, and by reaſon of 'the Violence with which they hear Things are carry'd there. That 'it may indeed happen, that during theſe Diſputes a Pope may be 'elected at *Rome*, who may be acknowledged by all *Italy*, becauſe, 'ſince *John* XXIII. was depoſed, that Capital, and all the Patrimony 'of the Church, has been abandon'd to Plunder. That the Cardinals, 'and the three Nations, who make this Proteſt with them, have as 'much Zeal as the *Germans* for the Reformation of the Church, be'cauſe they have alſo nam'd their Deputies, who actually labour for 'that End; but that they don't think this Reformation ought to be 'made before the Election of a Pope, becauſe the greateſt Deformity 'that can happen in the Church is to have no Head; and that be'ſides, this Order of placing the Reformation before the Election, is 'contrary to the Decrees of the Council, and to the *Narbonne* Capi'tulation, wherein the Union of the Church is always ſet before its 'Reformation. That 'tis to no Purpoſe to ſay, that the Emperor, 'and ſeveral Cardinals and Prelates, are of the ſame Opinion as the

(1) In Mr. *Rymer's Fœdera*, T. IX. p. 487, there's a Letter from the Cardinal of *Urſins* to *Henry* V; by which he deſires that Prince to tranſlate *John* Biſhop of *Litchfield* to the See of *Sarum*, vacant by the Death of *Robert*. 'Tis dated *Sept.* 5, 1417. It appears by this Letter, that the College of Cardinals had alſo wrote to the King of *England* upon the ſame Head.

'*German* Nation in this Affair, becauſe the Emperor has nothing to 1417.
'do in theſe Matters. That, when all is ſaid and done, thoſe of the
'other Nations who adhere to the *German* Nation in this Point, only
'do it in Complaiſance to the Emperor, who will have them to be of
'his Party; and that even of this Number there are very few, be-
'cauſe out of twenty four Cardinals there are but two, and theſe
'think they don't do themſelves very much Honour by thus breaking
'off from their College.

LXXII. THE Emperor was ſo provok'd at this Proteſt, that, The Em-
without ſtaying till it was quite read out, he left the Aſſembly abrupt- peror is in-
ly, with the Patriarch of *Antioch* and ſome others; upon which, a loud Memorial of
Cry was made *that the Hereticks were withdrawing.* It may naturally be the Cardinals.
imagin'd, that this Expreſſion did not tend to pacify the Emperor, who *V. d. Hardt,*
thereby found himſelf charged with Hereſy, as well as thoſe that at- *T.* IV. *p.*
tended him. But that was the Language then. To refuſe what the 145.
Cardinals deſir'd, was enough to make a Man a Heretick. This was *Schelſtr. p.*
not the only Clamour that happen'd on that Day. The Ambaſſadors *266*
of *Caſtille*, with whom thoſe of *Arragon* had diſputed about Precedency, took a Handle from this laſt Diviſion, to retire from *Conſtance.* But the Emperor ſent Perſons after them, who hinder'd them from proceeding in their Journey; ſo that they were obliged to return to *Conſtance*, aſham'd of having made ſuch a Stir for nothing. On the other hand, the Cardinals alſo caball'd together in order to be gone, upon ſecret Intelligence that was given them that the Emperor would alſo compel them to ſtay. *Schelſtrate* affirms, upon the Authority of the Vatican MSS. that they had not ſo much as a Thought of it; but *Dacher*, who was preſent, ſays, that they really intended it, becauſe they were afraid of the Emperor's Reſentment. 'Tis very certain, that he ſent them a Prohibition next Day, to aſſemble, as they did before, in the Cathedral, and the Epiſcopal Palace. This *Sept.* 10
Violence obliged them to apply to the Elector of *Brandenbourg*, and *V. d. Hardt,*
to the Magiſtrates of *Conſtance*, for Safe-Conducts, that they might *T.* IV. *p.*
be able to retire with Safety. But the Elector managed it ſo by 1416.
his Prudence, and by his Negociations with ſeveral Prelates, that the Cardinals ſtay'd at the Council.

LXXIII. MEAN time, the Emperor's Steadfaſtneſs redoubled their The Cardi-
obſtinate Zeal for the Choice of a Pope before the Reformation of the nals inſiſt up-
Church. The Cardinals met next Day with the *Italians*, *French* and on the Choice
*Spaniards*, to read out the Proteſtation, which was begun to be read of a Pope.
the laſt time, but was interrupted by the Emperor's withdrawing. *Sept.* 11.
There was more Heat and Animoſity in this Aſſembly than had yet been known in any other. And ſome ſay, that it actually coſt the Cardinal of *Florence* his Life; for that he put himſelf into ſuch a Heat to ſupport the Cauſe of his Collegues, that he went home from

the

1417. the Assembly sick of that Distemper, which about a Month afterwards carry'd him off. *Schelstrate* reports, that the Emperor, perceiving the Obstinacy of the Cardinals, had resolv'd to put them all under Arrest; but that however he confin'd his Resolution to Six only. Moreover, he had a Design to banish Eight of the Prelates to different Places. These violent Measures of the Emperor were doubtless a manifest Infringement of the Immunities granted to the Clergy by his Predecessors, and confirm'd by the Council: But probably he judg'd that so desperate an Evil requir'd desperate Remedies. The Acts don't say whether he executed this Resolution: But whether he did or no, the Cardinals remain'd inflexible, and there were several *French* and *Italian* Prelates who actually broke off from the Emperor; as particularly the Cardinals of *Sienna*, and *Bologna*, the Patriarch of *Antioch*, the Archbishop of *Milan*, and the Bishop of *Atri*, who till then had been of Opinion that the Reformation shou'd go before the Election. The *English* also soon after deserted him, and joyn'd at last to the Cardinals as was just now observ'd.

A Memorial of the *Germans*, to hasten the Reformation, *Sept.* 13.

LXXIV. THERE was scarce any Prospect now of the *Germans* being able to stand their Ground any longer against all the other Nations. Nevertheless they presented a Memorial to the Council, as well to justify themselves from the Accusation of their favouring the *Wickliffites*, and keeping up the Schism, as to shew that they were too hasty in pressing for the Election of a Pope. In this Memorial (1), the *German* Nation is stil'd at the beginning (2), *devout*, *patient*, and *humble*. Afterwards it boasts the Advantages it has above other Nations by setting forth, that, besides the Honour it has of having an Emperor at its Head, it contains (3) Eight considerable Kingdoms, exclusive of Duchies, Marquisates, Principalities, and Earldoms in a great Number. Then the *Germans* enter into the main Matter, and represent that though they were very much concern'd at the Charge of Heresy exhibited against them, yet they rather chose to bear it than to repel it to the Prejudice of the Peace, and that the Cardinals Eagerness for the Election of a Pope, carries a more suspicious Aspect than the cautious Delays of the *German* Nation. That after all, the Vacancy of the Apostolical See is not of such dangerous consequence as some wou'd have it believ'd, while there is a Council assembled that supplies the place of the Head of the Church. That, if during two Years which the Council had been without a Pope, even at a Time when all the Nations were not yet united, the Business of the Election was not once debated, they might very well, without any

(1) This Memorial was found in MS. in the Royal Library at *Berlin*.

(2) *Devotam, patientem, humilem Nationem Germanicam.* *V. d. Hardt*, T IV. p. 1419.

(3) *Octo inclyta Regna.*

hazard,

hazard, defer the deciſion of it for a longer Time. That there was a actual Danger in precipitating this Election, becauſe in order to attain to a Good Union, the Emperor and the *Germans* thought it was abſolutely neceſſary to reform the Church in its Head and Members. That the former Schiſm being only owing to the Corruption of the Clergy, in order to prevent the like Calamities hereafter, it was of Importance to labour for ſuch a good Reformation as may be the Baſis and Foundation for the Election of a future Pope. That Jeſus Chriſt, before he committed the Government of the Church to St. *Peter*, preſcribed Rules to him for a Holy Reformation, and that St. *Peter* himſelf began the Function of his Office by Repentance for his Sins and by the Eſtabliſhment of his Brethren, in Faith and Piety. That for near Twelve Hundred Years (1), the Church had been govern'd by theſe ſacred Maxims. The Popes confined themſelves to their Juriſdiction, content with ſuch Gratuities as were beſtow'd upon them by the Chriſtian Emperors and Princes. That for about a hundred and Fifty Years, the Church had been laid waſte by the Avarice, Ambition and Senſuality of ſome Popes and their Aſſeſſors; who, for the Support of their Vanity, abandon'd the Care of gaining Souls to God, for the ſake of heaping up Money by all Acts of Injuſtice and Violence. That from thence came Reſervations, Commendams, Collations to Benefices contrary to the Canons of the Church, Reverſions, Antedatings, and Annates extorted during the Vacancy of Benefices. That the Popes have aſſum'd to themſelves the Judgment of all Cauſes whatſoever, both Eccleſiaſtical and Civil. That they prolong Cauſes by affected Delays, to the great Prejudice of the Publick, and of private Perſons. That by a horrid Abuſe, even more ſcandalous than Simony, they have tax'd and rated Crimes like Merchandiſe, ſelling Pardons of Sins for ready Money, and granting Indulgencies altogether unuſual; That from the ſame Principle of Avarice, they admit Vagabonds and Perſons of ill Manners to Sacred Orders, and that ſince Offices were thus become ſaleable, no body thought Knowledge and Virtue any longer to be neceſſary Qualifications. That the Academies, Churches and Monaſteries were falling to Ruin; and the whole Eccleſiaſtical State was held in ſo much Contempt by the Laity, that ſeveral look'd upon it rather as the *Clergy of Antichriſt*, *than as the Heritage of Jeſus Chriſt*. To all theſe Conſiderations they add, that tho' the Council of *Piſa* promis'd and ſwore to reform the Church, inſtead of any Reformation being made in it, things were grown ſo much worſe, that it was impoſſible, with a ſafe Conſcience, to bear any

1417.

(1) If we date the Papal Tyranny no farther than from *Gregory* VII, who was elected in 1073, the Church wou'd not have been Twelve Hundred Years in this pretended State of Integrity.

1417. longer with such enormous Iniquities, such abominable Crimes, and Disorders more scandalous than the Schism which they had just put an end to. That there was no other Remedy for this Evil, than to labour for the Reformation of the Church before they gave it a Pope; to the end that both the Electors, and the Person elected, might be bound by the Laws of the said Reformation (1). That while they are debating about giving a Head to the Church, 'tis necessary, it shou'd be touch'd with very clean Hands, and that be the Prelate who is elected ever so holy, he will infallibly be defil'd in the midst of so much Ordure if it still remains. That he cou'd only grope in the dark, having neither Rule nor Light to conduct him; whereas the Laws of a good Reformation wou'd serve him as a Buckler and Rampart against all manner of unjust and impertinent Demands. The *German* Nation concludes, by summoning the Cardinals in the name of God, to join with it in their Endeavours for this Reformation, to the end that it may be agreed upon in a publick Session before they proceed to the Election of a Pope. In case that the Cardinals obstinately reject such reasonable Propositions, the *Germans* protest their own Innocence, and reserve to themselves the Right of notifying such Refusal to all Kings, Princes, Prelates, and to all Christendom, as well as to implore their Assistance for remedying so great an Evil.

The *Germans* abandon the Emperor.

LXXV. THOUGH one wou'd think nothing cou'd be more just and better concerted than this Memorial of the *German* Nation, so far was it from having a good Effect, that it only serv'd on the contrary, to rouse the Zeal of the Cardinals to strengthen their Party. After having gain'd the *English*, they found means to engage in their Interests two Prelates who had all along been very much attach'd to the Emperor, and who besides had a very great Ascendant over him. This was *John de Wallenrod* Archbishop of *Riga*, and *John Abondi* Bishop of *Coire*. The former had great Quarrels with the Knights of the *Teutonick* Order, who incessantly made him uneasy in the Possession of his Archbishoprick which depended on that Order. He had even quitted the Habit and Marks of the Order, when at *Paris* with the Emperor, as we are told by a *Polish* Historian, and the Knights had made great Complaints of it to the Council; so that he cou'd not return to *Riga* without exposing himself to the Persecution of the Knights.

*Dlugloss.*

(1) Adjiciens, fore salubrius & tolerabilius, sacro præsidente Concilio, Romanam pro certo tempore vacare Ecclesiam, quàm quod illotis manibus, hoc est, membris capiti vicinioribus, compaginetur ipsum caput, aut cranium etiam contrectetur, & spurcitia manuum coinquinetur, vel unguibus non præcisis vulneretur. *V. d. Hardt*, T. IV. p. 1424. *i. e. Adding, that it will be more wholesom and tolerable, while the sacred Council presides, for the Church of* Rome *to be vacant for a while, than that the Head or Scull thereof shou'd be joined to, or handled by, unwash'd Hands, that is to say, the Members that are more near to the Head, and that it shou'd be contaminated by the Filth of the Hands, or wounded by long Nails.*

In

In this Situation, the Cardinals gain'd him, by promising him the Bishoprick of *Liege*, if he would consent to the Election of a Pope before the Reformation of the Church. As to the Bishop of *Coire*, who did not stand upon good Terms with *Frederick* of *Austria*, he could not shut his Eyes against the Prospect of being put into Possession of the Archbishoprick of *Riga*, as soon as the Pope should be elected. These two Prelates being gain'd, the rest of the *German* Nation follow'd, and the Emperor, seeing himself abandon'd by all Mankind, consented at last to the Election of a Pope, but with this express Condition, 'That the Pope should labour for the Reformation 'of the Church immediately after his Election, and even before his 'Coronation: That he should act for this Reformation in concert with 'the Council, and not leave *Constance* till the Work is compleated, 'as the Cardinals had promis'd to the Archbishop of *Riga*, and the 'Bishop of *Coire*. 1417. Sept. 20. *Ld Herb. T. IV. p.* 1427 1430.

LXXVI. In a MS. Collection of the Sermons preach'd at the Council, which was taken out of the Library at *Erford*, I find one that was preach'd on the 19th of *September*, from these Words. *I therefore, the Prisoner of the Lord, beseech you that ye walk worthy of the Vocation wherewith ye are called.* The Preacher, whose name is not mention'd, makes his whole Discourse turn upon the Duties and Faults of the Clergy. Among their Disorders he very much bewails this, *viz.* That there was then nothing more common than to see Employments in the Church, fill'd not only with such Laymen as were honest People, but such as were dissolute, and who, by their indecent Habits and Behaviour, appear'd to the Publick to be perfect *Harlequins*; but he is altogether as angry with the marry'd Clergy, who, according to him, were at that Time also very common. He thinks it a very impious Neglect in several Priests, who make it a Custom to castrate the divine Offices, and to celebrate Mass all alone without having so much as a Minister Assistant to represent the People, and to answer *Amen* according to the Canon Law. As to those Clergy who perform the divine Office, administer the Sacraments, or who do nothing but preach, while they are in a State of mortal Sin, he says Things of 'em at least as sharp as all that was said by *John Hus*: For he says, that there's no Authority in the World, not even that of the Pope, which can command or permit a Clergyman in that State to perform the Functions of his Office: That such a Clergyman ought to resign his Benefices, and to undergo all manner of Punishment, rather than to serve at the Altar, or to celebrate, while he is in a State of mortal Sin (1). That every Superior, Sermon touching the Reformation, Sept. 19 IV 1: according to the Version of *Mons*

(1) Nulla Potentia etiam summi Pontificis, vel cuiuscunque alterius hominis super terram potest dispensare vel præcipere vel cogere, quod quis existens in peccato mortali fœneret, in suo Officio in persona Ecclesiæ vellet vel deberet ministrare vel celebrare.

1417. who tolerates it, sins mortally himself, and much more he that commands it. Considering the horrible State in which he represents the Clergy of that Age, I leave the Publick to judge of the Consequences that might be inferr'd from this Principle of the Preacher, and return to the Affairs of the Council.

THERE had been great Debates between the Ambassadors of *Arragon*, *Castille*, and *Portugal*, touching Precedence. The Nations assembled on the 23d of *September* to determine them, to the end that the Election of a Pope might be carry'd on peaceably. In order to accommodate this Affair amicably, they appointed Five Bishops, an Abbat, and an Auditor of the *Rota*. The Acts do not say how it was determin'd.

Death of the Cardinal of *Florence*. *Sept* 26.

LXXVII. THE Cardinals at this juncture lost one of their most illustrious Collegues, *viz. Francis de Zabarella*, Cardinal *de St. Cosmo*, and *St. Damien*, who was known and celebrated in the Council, by the Name of the Cardinal of *Florence*. We obsérv'd, that not many Days ago, he fell into such a Passion in one of the Assemblies, that he went out very much indispos'd. *Poggius* the *Florentine*, in a Funeral Oration, which he made for this Cardinal in full Council, says, that *Zabarella*, finding himself not well in that Assembly, said aloud, that the Speech which he then made was the last he shou'd ever live to make; that they might look upon it as his last Will and Testament; and that he was overjoy'd that he had sacrific'd to the Peace of the Church, a Life which he had devoted to it (1). 'Tis certain, that he was a Prelate of Great Merit, with regard both to his Understanding and Manners; and one of the best Things that was ever done by *John* XXIII, was to promote first to the Episcopacy, and then to the Dignity of Cardinal, a Prelate who had the better Title to both Dignities, because he never made Interest for them. It was he that with the famous *Chrysolorus* confirm'd the Emperor in his Choice of the City of *Constance* for the Meeting of the Council, and who prevail'd on the Pope to come thither, though he was so averse to it. His Panegyrist has unwarily mention'd a Fact which is not to his Credit, *viz.* that the Decrees agreed on by the Nations were by him curtail'd in full Council, in the Fourth Session, at the Sollicitation of his Collegues. However, he may be excus'd by some Misunderstanding owing to the Heat and Confusion with which Things were sometimes carry'd in those Assemblies. *Poggius* the *Florentine* says, that if *Zabarella* had liv'd till the Election of a Pope, the Conclave wou'd have fix'd their Eyes upon him rather than any other, because

(1) Postremis verbis clamans, eam Orationem suum fuisse Testamentum, cum sese ita comparasset ut in Unitate Ecclesiæ vellet animam profundere. *Pogg.* ap. *V. d. Hardt.* T. I. Part IX. p. 544.

every

every body agreed, that there was not a Man who better deſerv'd that Dignity, in all the ſacred College. He dy'd on *Sunday* the 26th of *September*, and was interr'd next Day with very great State in the Choir of the *Franciſcans* Church (1). The Emperor, the Princes, and all the Clergy attended his Funeral. A Fortnight after, his Corpſe was ſolemnly tranſlated to *Padua* his native Country; at which time he was honour'd with a ſecond Funeral Oration. He wrote ſeveral Treatiſes upon the Scripture, the Canon Law, the Reformation and Union of the Church. 'Tis ſaid, he had alſo written the Hiſtory of the Council of *Piſa*, and what paſs'd in his Time at the Council of *Conſtance*. 'Tis pity, that Piece ſhou'd be loſt or bury'd in the Duſt of ſome Library. 1417.

LXXVIII. There had not been a publick Seſſion for above two Months, by reaſon of ſeveral Diſputes, as well about the Precedency of the Nations, as about the Method of treating of the Reformation of the Church, and the Election of a Pope. When their Sentiments were reconciled, the Council met to regulate certain Articles of the Reformation, which they thought proper to precede the Choice of a new Pope. This was done in the Thirty Ninth Seſſion, wherein it does not appear, that the Emperor was preſent. The Cardinal of *Oſtia* preſided at it, and *John* de *Norry*, Archbiſhop of *Vienna*, celebrated the Maſs (2). Some Decrees which had been agreed to by the Nations, were then read. The firſt, which relates to general Councils, imports, 'That the frequent holding of theſe Councils being the beſt 'way to ſuppreſs and prevent Schiſms and Hereſies, to correct Enor-'mities, to reform Abuſes, to maintain the Church in a flouriſhing Con-'dition, the Council ordains by this perpetual Decree, 1. That hereafter 'general Councils ſhall be held often; ſo that after this, there ſhall be 'one in five Years; then one in ſeven; and afterwards one every ten Years. '2. That the Pope, with the Approbation and Advice of the Council, 'or even the Council itſelf, when there is no Pope (3), ſhall appoint 'ſuch Aſſemblies a Month before the Separation of each Council. SESSION THIRTY NINTH. *Sess.* 39 *V. d. Hardt*, T. IV. p. 1432.

(1) A Marble Tomb was erected for him with a Cardinal's Hat upon it, and this Epitaph *Anno Domini* 1417. 6 *Kal* Octobr. *Conſtantiæ in Concilio Generali*, FRANCISCUS ZABARELLA, *Patavus*, *Cardinalis Florentinus*, *Vir doctiſſimus*, *poſt multa ejus in Univerſalis Eccleſiæ Unionem egregia Merita*, *obijt ſummo omnium cum mœrore*, *i. e.* In the Year of our Lord 1417, on the 6th of the Calends of *October*, *Francis Zabarella* of *Padua*, Cardinal of *Florence*, a moſt learned Man, after his many meritorious Services for the Union of the Catholick Church, departed this Life at the General Council of *Conſtance* to the great Grief of all that ſurviv'd him.

Some days after, a Cardinal, who is not nam'd, made an *Elogium* alſo upon *Zabarella*, *V. d. Hardt*, T. IV. p. 1431.

(2) This Prelate was at the Council of *Piſa*. He dy'd in 1438.

(3) Vel in ejus defectu ipſum Concilium

1417. '3. That in Cases of Necessity, the Pope may, with the Advice of his 'Brethren the Cardinals, shorten the Term fix'd for the Council; 'but that it shall never be lawful for him to prorogue it, nor to alter 'the Place of it, without manifest Necessity; as in case of a War, a 'Siege, a Plague, or the like. That in these Cases, the Pope, with 'the Advice and Consent of the Cardinals, may substitute another 'Place as near as may be to the first, and in the same Province, un-'less there be some Obstacle of the same Nature throughout the whole 'Country; in which Case, there wou'd be a Necessity for chusing some 'other Place as near as may be to the said Country and Nation. '4. That in case they are oblig'd to shorten the Term, or to change 'the Place, the Pope shall solemnly notify it a Year beforehand; 'to the end, that no body may plead Ignorance in excuse for Absence.'

*Richer. Hist.* of the Council, L. III. p. 184.

*Richer*, a Doctor of the *Sorbonne*, has made an important Remark upon this Decree. He looks upon it with Reason as a Proof of the Superiority of Councils over Popes, because it prescribes to the Popes the Manner of assembling Councils. Moreover, this Decree being call'd a *perpetual Edict*, it cannot be said that the Superiority of the Council over the Pope, establish'd by this Decree, relates only to the Times of Schism.

'THE second Decree, which relates to the Precautions against Schisms, 'orders, that if it happens that there are two or more pretending to 'be the lawful Popes, the Time for calling the Council shall be shorten'd 'to that Day Twelvemonth after the very Day of such Competi-'tion (1); though otherwise, there was not to be an Assembly perhaps 'in some Years; and that the Prelates, and all other Persons of whom 'a Council ought to consist, shall be oblig'd to go to it, without any o-'ther Summons, on pain of being excommunicated, *&c.* 2. That the 'Emperor, the Kings, and the other Princes, shall repair thither, either 'in Person or by their Ambassadors, as much as if they were to ex-'tinguish a general Conflagration, and as they are from this time for-'wards conjur'd by the Bowels of the Mercy of Jesus Christ, in 'case such a Misfortune happen. 3. That as soon as any one of the 'Competitors shall hear that any other Person or Persons take upon 'them to be Popes, he shall be oblig'd to give publick Notice for 'holding the Council on that Day Twelvemonth, at such a Place 'to be mention'd, to invite all the Princes and Prelates thither 'in the most solemn Form, to repair thither himself, and not to leave 'the Council till the Affair is determin'd, on pain of incurring God's 'everlasting Curse, and of being actually depriv'd of all Right to the 'Pontificate, and every other Dignity. 4. That not one of the Compe-

(1) Intelligatur ipso jure terminus Concilii tunc fortè ultra annum pendens, ad Annum proximum breviatus

'titors

'titors ſhall preſide in the Council as Pope. That even, as ſoon as 1417.
'the Council is ſat down they ſhall be *ſuſpended* from all Ad-
'miniſtration till the Affair is decided, and that no Perſon ſhall yield
'Obedience to either of them under the Penalties inflicted by the
'Canons upon the Abettors of Schiſm. 5. That if a Pope happens
'to be choſen by Violence, and that a well-grounded Fear has any
'Share in his Election, the Council declares the ſaid Election to be
'void, and that it ſhall not be ratify'd in the Sequel, even tho' it be
'univerſally conſented to, and that the Fear ſhou'd be over; but that
'in the mean time the Cardinals ſhall not proceed to another Election,
'till the Council has given Judgment upon it; ſave only that in caſe
'the Pope elected ſhou'd Abdicate or die. That if they proceed to
'ſuch Election notwithſtanding theſe Prohibitions, it ſhall be void, and
'both the Elected and the Electors ſhall be depriv'd of all manner of
'Dignity for the time preſent, and to come, and both the one, and the
'other, ſhall be oblig'd to repair to the Council to ſubmit to its Judg-
'ment. 6. That if any Perſon, of what Quality and Preheminence ſo-
'ever he be (1), whether Emperor, King, Pope, Cardinal, or Biſhop,
'has made uſe of any Force or Violence whatſoever againſt the Elec-
'tors of the Pope, or any of them, directly or indirectly, either by him-
'ſelf, or by means of other; or, if being veſted with due Authority,
'does not puniſh, or cauſe to be puniſh'd, the Authors of thoſe Violen-
'ces or their Abettors, he ſhall be liable to the Penalties decreed by
'the Conſtitution of *Boniface* VIII. According to the ſame Conſti- *Sext. Decr. l.*
'tution, the Electors of the Pope who have ſuffer'd any Violence, *V. Tit. IX.*
'ſhall be oblig'd to remove themſelves forthwith, even at the Hazard *Felicis.*
'of their Fortune, to ſome Place of Liberty, and there to ſpecify and
'prove upon Oath before Notaries and other publick Perſons, the Vio-
'lences which they have ſuffer'd. And if any City, though it ſhou'd
'happen to be *Rome* itſelf, be convicted of having given Advice or Aſ-
'ſiſtance to the Authors of thoſe Violences, or even not to have pu-
'niſh'd them in the Space of one Month, according to the Enormity
'of the Caſe, it ſhall incur the Penalty of an Interdict.' 'Tis order'd,
that this Decree be read at the End of every Council, and before the
Cardinals enter into the Conclave, whenever the Election of a Pope
is the Affair in queſtion.

THE third Decree relates to the Confeſſion of Faith, which is to be made for the future by the Pope elected, in preſence of his Electors before his Election be made Publick. As it is but ſhort, we ſhall here inſert it entire.' In the Name of the moſt Holy Trinity,
'&c. In ſuch a Year, and ſuch a Month, &c. I *N.* do confeſs and
'profeſs with Heart and Mouth before Almighty God, who has

(1) Pontificali aut alià quàvis Eccleſiaſticà Dignitate.

1417. 'committed the Government of his Church to me, and before St. 'Peter, Prince of the Apostles, that, as long as I live, I shall invio- 'lably hold, even to the minutest Article, the Catholick Faith ac- 'cording to the Traditions of the Apostles, of the General Councils, 'and the Holy Fathers, and particularly of those Eight General
In 225. 'Councils, *viz.* the First of *Nice*, the Second of *Constantinople*, the
In 381 'Third of *Ephesus*, the Fourth of *Chalcedon*, the Fifth and Sixth
In 431. 'of *Constantinople*, the Seventh of *Nice*, and the Eighth of *Constantino-*
In 451. 'ple, besides the general Councils of the *Lateran* (1), *Lyons*, and
In 680. '*Vienne*; that I will preach up this Faith, and defend it to the
In 787. 'Hazard of my Life, and to the Effusion of my Blood; and that I
In 869. 'will also unalterably, and in all respects, observe the Rite of 'the Sacraments of the Catholick Church, as it is prescribed by the 'Canons.' *With my own Hand I have sign'd this Confession, written by my Order, by a Notary and Register of the Holy Roman Church, and I offer it to thee most sincerely and conscientiously, O Almighty God, in presence of such and such.*

BUT I can't imagine how the Council cou'd be content with a Profession so loose and contracted. That which was made by *Boniface* VIII in 1294, and which, according to the Reformation of the *Reforming College*, was to be read at the End of every General Council, is much larger and more particular. Besides, the same College was for adding the following Articles to the Confession made by *Boniface* VIII. 1. That the Pope shou'd decide no important Affair, without the Consent and Subscription of the Cardinals, or the Majority of them, assembled in the Consistory; such as Matters of Faith, the Canonisation of Saints, the appointing of Jubilees, the Erection or Suppression, Union or Partition of Cathedral Churches and Monasteries, the Promotion of Cardinals, the Translation of Patriarchs, Archbishops, Bishops, and Abbats, Exemptions, Alienations, Privileges, *&c.* 2. The Pope was to promise moreover to send only Cardinals or Prelates to govern the Provinces and Cities of the Church of *Rome*; to grant the Vicarship of none of those Provinces for more than three Years; nor to commit the Guardianship thereof to any of his Family, or Kindred. 3. He was also oblig'd to promise not to alienate nor infeoff the Estates of the Church of *Rome* and other Churches, but to maintain them inviolably in their Rights without infringing them in the least, and, as far as lies in his Power, to recover what had been alienated.

*Reformat. Gemin. Protocoll, Cap. II. ap. V. Hardt*, T. I. p. 584. *I. d.*

(1) There were three general Councils at the *Lateran*, all in favour of the Church of *Rome*, in 1123, 1139, 1179. There were also two general Councils at *Lyons*, both favourable to the See of *Rome*, in 1245, and 1274. The Council of *Vienne* in *Dauphiny* was held in 1267.

LXXIX. THE

LXXIX. THE following is the Confeſſion that was made by *Boniface* VIII. ‘ In the Name of the moſt Holy Trinity, *Amen.* In the ‘ Year 1294 of the Incarnation, Indiction VIII. I *Benedict Cajetan*, ‘ Cardinal-Deacon of the Holy *Roman* Church, and elected to be, by ‘ the Grace of God, the humble Miniſter of this Holy Apoſtolical ‘ See, do declare and *profeſs* before you, St. *Peter*, Prince of the ‘ Apoſtles, to whom Jeſus Chriſt the Creator and Redeemer of all ‘ Mankind has given the Keys of the Kingdom of Heaven, to bind ‘ and looſe in Earth, and in Heaven, in theſe Terms, *Whatſoever ye ſhall bind*, &c. and before your Holy Church, of which I this ‘ Day take the Government upon me under your Authority: I promiſe, I ſay, that as long as I ſhall live in this miſerable Life, I will ‘ not abandon nor forſake the Church, nor renounce, nor abdicate it ‘ in any reſpect; and that I will never ſeparate my ſelf from it for ‘ any Cauſe whatſoever, nor for fear of any Peril. That on the contrary, I will with all my Power, even to Death and to the Effuſion of my Blood, preſerve the Purity of the true Faith of Jeſus ‘ Chriſt, which is devolved upon ſo unworthy an Object as I am, by ‘ you, and your Companion in the Apoſtleſhip, the Bleſſed St. *Paul*, ‘ by your Diſciples and your Succeſſors, as well with regard to the ‘ Myſtery of the moſt Holy and *Undivided* Trinity, the only One ‘ God, and of the Incarnation of our Lord Jeſus Chriſt, the only ‘ Son of God, as with regard to the other Doctrines of the Church ‘ of God, as they are contain'd in the general Councils, in the Conſtitutions of the *Apoſtolical Pontiffs* (that is to ſay, the Popes) and ‘ of the moſt approved Doctors of the Church: That is to ſay, that ‘ I will keep all that I have receiv'd from you by *Tradition* concerning the Purity and Orthodoxy of the Faith. That moreover, I will ‘ unalterably, and with the ſame reſpect, maintain the Eight ſacred General Councils, particularly the *Nicene*, &c. even to the leaſt Syllable. ‘ That I will preach and teach all that they have preach'd and decreed. That I will with Heart and Mouth condemn all that they ‘ have condemn'd, and will in like manner punctually obſerve and ‘ maintain in their full Vigor, all the Canonical Decrees of our Predeceſſors, the Apoſtolical Pontiffs, and all that they have decreed ‘ and approv'd in the Councils (*Synodaliter*). That I will, as long as ‘ I live, inviolably obſerve the Diſcipline and Rites as I found ‘ them. That I will preſerve the Eſtates of the Church without diminiſhing, alienating, or infeoffing them in any Manner, and for any ‘ Cauſe whatſoever. That I will not diminiſh nor alter any thing in ‘ the Tradition which I have found tranſmitted and receiv'd by my ‘ Predeceſſors, nor admit of any Innovation; but on the contrary, ‘ maintain it with Zeal and with all my Power as their true Diſciple ‘ and their Miniſter (*Seſquipeda*). That if any thing be attempted ‘ againſt

1417. The Confeſſion of Faith, made by *Boniface* VIII. *Vid. Hardt*, T. I. p. 587, 589.

1417. against the Canonical Discipline, I will correct it, with the Advice of *my Sons (Filiorum meorum)* the Cardinals of the Holy *Roman* Church, by whose Counsel, Consent, Direction and Advice (*Rememoratione*) I shall exercise my Ministry; and that through your Intercession, and that of St. *Paul*, your Companion in the Apostleship, I will patiently bear with every thing that does not strike too much at the Christian Religion, well knowing, that one Day, *viz.* at the Day of Judgment, I shall give an Account to God and you of every thing that I have done, and left undone, during the whole Course of my Life, as having been, by the Grace of God and your Intercession, establish'd over this sacred See. I intreat you to be propitious to me on this terrible Day, to support my Endeavours, and to assist me during this corruptible Life, that I may appear unblameable in the Presence of our Lord Jesus Christ, the Judge of all Mankind, when he shall come to pass a severe Judgment upon every Man's Actions; to the end that he may give me a Place at the Right Hand of the Father, and that I may be admitted into the Society of your faithful Disciples and Successors. I have, with my own Hand, sign'd this my Confession, written at my Order, by a Notary and Register of the Holy *Roman* Church; and I offer it to you, O blessed St. *Peter*, and Prince of all the Apostles, sincerely, devoutly and conscientiously, by swearing upon your Holy Body, and upon your Altar (1).

A Digression concerning the Confession of Faith made by the Popes.

LXXX. BEFORE we proceed to the fourth Decree, the Reader will not be sorry to find a short Digression here upon these Confessions of Faith made by the Popes. To inform the Publick upon this Head, we shall relate the Substance of what has been written upon it by Father *Garnier*, a Jesuit, with very great Accuracy and Perspicuity. It was the ancient Custom, not only for the *Catechumens* to make a Confession of Faith when they received Baptism, but for such Believers as were ordain'd Priests or Deacons, to make a Confession of their Faith in like manner (*a*). All the other Bishops being thereunto obliged in Quality of Doctors of their Churches, the Bishop of *Rome* was, with much more Reason, engaged to do it, in Quality of Doctor of the Catholick Church. The Confessions of Faith made by the Popes are distinguished into two sorts; one, which was made before, and the other after their being ordain'd to the Pontificate. The first was named a Creed, and was made by the Pope in Quality of a private Man. The second, which was more

(*a*) *Theodoret Hist. Eccles.* L. I. cap 12.

(1) This is the very Confession we meet with in the Journal of the *Roman* Pontiffs (*Liber Diurnus Roman. Pontif.*) excepting some small Variations, which Father *Garnier* has specify'd in his Edition of this Journal, *p.* 26, 32: Yet Father *Pagi* proves, very plainly, that this was not the Confession of *Boniface* VIII. *Brev. Pontif. Rom.* T. III. p. 508, 513.

extensive

extenſive, was call'd *Synodical* (1), becauſe it was ſent to the Patriarchs and Biſhops, and was made by the Pope in Quality of Doctor. We ſcarce find any Mention of the firſt, before the Time of St. *Gregory*, ſurnam'd *the Great*; but the ſecond is mention'd much oftener. This Pope made both Confeſſions, as may be ſeen in his Life, written by *John* the Deacon. 'Tis highly probable, that, in the Primitive Times, the firſt Confeſſion of Faith was no other than the *Roman* Symbol, that is to ſay, the Apoſtles Creed; in which, *Rufinus* ſays, no material Alteration was made before the Year 400. There only wanted the Words, *Creator of Heaven and Earth*, *he deſcended into Hell*; and *the Life everlaſting*; which were added to it, as Father *Garnier* conjectures, in Oppoſition to the *Manichees*, who held two Principles; to *Arius* and others, who taught, that Jeſus Chriſt had not a human Soul; and to *Origen*, who did not believe an everlaſting State of Bliſs. After St. *Gregory*'s Time, this Creed was very much augmented, as may be ſeen in Father *Garnier*'s Appendix to the Journal of the Popes of *Rome*. In the VIIIth Century they began to make Uſe of the Confeſſion of Faith, which we have ſeen above. 1417.

FATHER *Garnier* ſuppoſes, with very great Probability, that thoſe Synodical Letters, or thoſe Confeſſions of Faith, by which the Popes and Biſhops notify'd their Election to the Patriarchs and Prieſts under them, were put in Uſe about the End of the IIId Century, under the Emperor *Aurelianus*. The Difference there was between the Confeſſion of the Pope and thoſe of the other Biſhops lay in this. The Pope took the Oath to St. *Peter* immediately, whereas the others took it to St. *Peter*'s *Succeſſor*. The Popes did not ſend Synodical Letters to the ſchiſmatical Prelates, but ſent them to thoſe who had been degraded improperly, and contrary to the Mind of the See of *Rome*. Beſides the Confeſſions of Faith contain'd in the Journal of the *Roman* Pontiffs, Father *Garnier*, after many Inquiries, has met with but four; one made by *Gelaſius* I, about the End of the Vth Century; another, by *Pelagius* I, towards the Middle of the VIth; a third, by *Gregory* I, about the End of that Century; and the fourth, by *Leo* IX, towards the Middle of the XIth Century. They were different according to the Hereſies which aroſe. The Precaution which was taken by the Council of *Conſtance* to renew the Uſe of thoſe Confeſſions of Faith, is a very plain Proof that they were given over after the Year 1294; at which Time they ſay that *Boniface* VIII. made his. We don't well know the Reaſons for aboliſhing this Cuſtom, which happen'd, as ſome think, when they began to debate the Authority of the

(1) It was alſo call'd an *Expoſition of Faith*, becauſe it was more extenſive than the other; and a *Sermon*, becauſe it was pronounced by the Pope.

1417. Councils and Popes; because the Popes, by submitting in those Forms to the Authority of general Councils, would, by those Forms, have derogated from their Pretensions of being above general Councils. Father *Garnier* rejects this Reason, but does not alledge any other (*a*). Return we now to the Decrees of the Council.

(*a*) *Append. ad Diurn. Rom. Pontif.* p. 158, 174.

THE fourth Decree relates to the Translations to Benefices (*b*). Here it must be observ'd, that, according to the Canon Law, a Bishop could not pass from one Church to another by his own Authority, nor even by that of a Patriarch; and that there was an absolute Necessity for the Intervention of the Pope's Authority. But, according to the same Canons, the Pope may give Order for those Translations, even in spite of the Bishop, in certain Cases; as for Example, if the Bishop may be more useful in one Church than in another, or in some Case of Necessity. Now, as it often happen'd, that the Popes had abused that Authority, under various Pretexts, to the Prejudice of the Churches, or of the Prelates, the Council orders, that, for the future, the Bishops, and other great Prelates, shall no longer be translated, without weighty and important Reasons, of which a Judgment shall be made, in Presence of the Parties concern'd, by the Counsel, Consent and Subscription of the Cardinals, or the Majority of them. As to the inferior Clergy, such as Abbats, and other beneficed Persons *(perpetuò Beneficiati)* 'tis also decreed, that they shall not be changed, nor translated, nor deprived, any more than the Bishops, without just and reasonable Causes, and such only as are subscribed to by the Cardinals, saving the Constitutions and Privileges of Churches, Monasteries, and all the religious Orders. Forasmuch as this Decree of the Council is somewhat different from the Resolution of the Reforming College, I will here give it entire.

(*b*) *Corpus Jus Canon.* l. 10. *Jerome a Costa* of the Ecclesiastical Revenues, p. 106, 112. *V. d. Hardt*, p. 1441

'Whereas it often happens, that the Translations of Prelates are liable 'to great Inconveniencies, as well with regard to Spirituals as Temporals; 'and as sometimes too the Prelates neglect to preserve the Rights 'and Liberties of their Churches, for fear of being translated, or 'having their Benefices exchanged; lest it should happen that, thro' 'the Importunity of some Persons, more attentive to their own In'terests than to those of Jesus Christ, the *Roman* Pontiff, being but a 'Man, should suffer himself to be over-reach'd, or should lean 'more to one Side than to another thro' Inconstancy (1), or Mis'information of the Fact, we declare, by these Presents, that here'after there shall be no more forced Translations of Patriarchs, 'Archbishops, Bishops, nor even of exempted Abbats, whose Mo'nasteries hold immediately of the Apostolical See (2), saving the

(1) This Clause is not in the Decree of the Council.

(2) Nor is this Clause mention'd in the Decree of the Council.

'Right

'Right of the Conſtitutions of their Orders, without important, 1417.
'reaſonable, notorious and evident Cauſes, which ſhall be examined
'and decided, in Preſence of the Parties, by the Advice of the Car-
'dinals, or the Majority thereof (*a*).

(*a*) *V. d. Har.* T. I. p. 662.

THE fifth Decree relates to the *Spoliations* of the Biſhops, or the Vacancies of Benefices, and to *Procurations*. To have a right Underſtanding of this laſt Word, it muſt be obſerv'd, that it was the Cuſtom in the Church of *Rome*, that when the Biſhops went to make their Viſitations, all Neceſſaries for their Subſiſtance, and the Support of their Dignity, were procured them at the ſeveral Places they came to, which are ſtill call'd *Procurations*. But as the Popes pretended to be Maſters of all Eccleſiaſtical Livings, they often appropriated thoſe Procurations to themſelves, by reſerving them for their own Uſe; and they ſent Collectors to exact them, to the great Prejudice of the Publick, and of private Perſons, as well as of Eccleſiaſtical Diſcipline. The Council abſolutely forbids this Abuſe. The Popes alſo aſſumed the Right of reſerving to themſelves the Nomination to certain vacant Benefices, with their Revenues, during their being vacant. We may eaſily judge of the Conſequences of this Claim in ſeveral reſpects. The Council orders, that when a Benefice ſhall become vacant by the Death of the Incumbent, even tho' it ſhould happen at the Court of *Rome*, the Revenues thereof ſhall be ſecur'd to thoſe to whom they, by Right, appertain'd, before theſe Reſervations were introduced; and it forbids all the Clergy to make any Exactions of the like kind, ſaving, however, the Conſtitution of *Boniface* VIII. upon this Subject. Afterwards the Council appointed the Judges, or Commiſſioners, to determine, *peremptorily*, the Quarrels of the two Competitors to the Biſhoprick of *Cuma*, or *Como*, *(Cumanenſem Epiſcopum)*.

LXXXI. SOME Days after this Seſſion, the Emperor aſſembled the States of the Empire to put an End to the Diſputes between the Dukes of *Bavaria*, which have been already mentioned (1). *Frederick* of *Brandenbourg* was indirectly concern'd in the Quarrel, as he was Brother-in-law to *Henry de Landſhut*, and an old Friend to the Houſe of *Bavaria*. His Territories lying contiguous to thoſe of the Dukes, he was commonly Arbitrator of their Quarrels. *Lewis* of *Bavaria* of *Ingolſtad*, Brother-in-law to *Charles* VI, and his Ambaſſador at the Council, having, at his Return from *France*, propoſed to make a new Partition with his Couſins, *viz. Henry* Duke of *Bavaria-Landſhut*, *Erneſt* and *William* Dukes of *Bavaria-Munich*, this Affair made ſo great a Noiſe, that thoſe Dukes fell to Blows, and nothing

*Henry* of *Bavaria* attacks and wounds his Couſin *Lewis*. *Cæt.* 19. *V. d. Hardt*, T. IV. P. 1445.

(1) As we have ſince met with *Gundling*'s Relation, we the more readily reſume this Hiſtory, becauſe it contains ſome Particulars which were not in the other Relation.

1417. but the Emperor's Mediation made them lay down their Arms. Mean time, *Lewis* and *Henry* of *Bavaria* being at *Conſtance*, the latter thought he had a fair Opportunity to complain to the Emperor againſt his Couſin *Lewis*, for having diſturbed the Peace, violated the Treaty of Partition, and ravaged *Bavaria* with his Troops. For this Purpoſe, he apply'd himſelf to *Frederick* his Brother-in-law, who, knowing that *Lewis* was the Aggreſſor, complain'd againſt him, in *Henry*'s Name, in the Council of the Princes, where the Emperor was preſent, and demanded that *Lewis* might be obliged to make the Dukes Satisfaction for the Burnings and Robberies which his Troops had committed on their Territories. *Lewis* of *Bavaria*, who was preſent, miſtruſting his Cauſe, was determined, as has been already ſaid, to decline the Juriſdiction of the Emperor and the *German* Princes, on Pretence that he was at *Conſtance* as Ambaſſador from the King of *France*, whoſe Vaſſal he call'd himſelf; and that all his Family being ſettled in that Kingdom, his Couſin ought to accuſe him before the Peers of *France*, where he would give in his Anſwer. *Sigiſmond* immediately conſulted the Princes of *Germany*, to know whether *Lewis*'s Excuſe was valid, and whether he ought to be looked upon as the Ambaſſador, or Vaſſal of the King of *France*.

THE Princes were unanimouſly of Opinion that *Lewis* was a Vaſſal to the Empire of *Germany*, to which he had paid Homage, and that, by Conſequence, he was obliged to anſwer before the Emperor, and to own the Princes for his Judges. The Emperor approved of the Princes Sentiments, and admoniſh'd *Lewis* of *Bavaria* of his Duty (1). *Frederick* thereupon repeated the Heads of the Accuſation, and cauſed a very long Writing to be read, which contain'd them all together. *Lewis* of *Bavaria*, whoſe only Aim was to gain Time in a Cauſe which he could not fail to loſe, deſir'd the Empire to fix a Day when the Affair might be decided, by repreſenting, that, as he did not expect this Accuſation, he muſt have Time to draw up the Writings neceſſary for his Defence. The Emperor and the Princes could not refuſe him his Demand; but, nevertheleſs, he was requir'd to declare upon Oath, that he did not deſire this Delay with any ſiniſter Views, or to ſpin out the Affair to a Length. This Propoſition was very diſpleaſing to the Duke of *Ingolſtad*, becauſe he thought it too much degrading to a Prince of the Empire. He uſed ſeveral Arguments to be excuſed from taking this Oath; but, in the mean time, notwithſtanding theſe Reaſons, the Aſſembly perſiſted in their Reſolution, and a Secretary of the Emperor read the Form of the Oath, which he was to ſwear. 'Tis probable that this

(1) That is to ſay, that he ought to anſwer to the Accuſations that had been exhibited againſt him before the Princes, who were his true Judges.

Form

Form was not drawn up according to *Lewis* of *Bavaria*'s Intention; for he repeated one of his own penning, and, with very great Indignation, he drew back his Hand, which he had lifted up towards the Imperial Throne. *Frederick* (who was ſoon made ſenſible that *Lewis* of *Bavaria* had not obey'd the Aſſembly of the Princes, becauſe he had not taken the Oath according to the Form which had been read) deſir'd the Emperor to oblige this Prince to take the Oath, as it had been preſcribed to him. The Duke of *Bavaria* made the beſt Excuſe he could, by ſaying, that the Secretary had not drawn up the Form as it ought to be, and that he had even committed a manifeſt Error. But as all this was only a Subterfuge invented by *Lewis* of *Bavaria*, and as the Prince, in pronouncing thoſe Words, changed Colour, *Frederick* ſaid to him in *Latin*, *Affinis optime, jejunus mihi videris, quod color æger arguit. i. e.* My very good Couſin, I fancy, by your wan Complexion to Day, that you have not broke your Faſt. The Emperor having expreſs'd a great deal of Diſſatisfaction at the Duke of *Bavaria*'s Proceeding, the Princes gave their Opinion that the Emperor ought to call him to Account. Upon this, *Lewis* of *Bavaria*, forgetting the Reſpect he ow'd to the Emperor, ran out into bitter Reproaches againſt *Henry*, and call'd him a Diſturber of the Publick Tranquillity, a Protector of Robbers, a cruel, bloody, perfidious Traytor, and even a Baſtard. *Henry*'s Reſpect for the Emperor and for the Aſſembly hinder'd him from taking Revenge upon the Spot; but he went away with a Heart full of Reſentment, and even threaten'd his Couſin in publick. And that very Day, in the Afternoon, *Henry* took Horſe, accompany'd by ſome Noblemen his Friends, and attended by his own Servants, to wait for *Lewis* as he paſs'd by. The latter had dined that Day with the Emperor, at the Houſe of the Biſhop of *Paſſaw*; and as he was returning home, attended by ſome of his Pages, *Henry* fell upon him in the Street. *You know*, ſays he to him, *how you affronted me in the Morning; that was not a proper Place for me to take Revenge, but now ſtand upon your Guard*; and at the ſame time gave him ſeveral Thruſts with his Sword, and wounded him: But *Lewis* was nimble enough to diſarm *Henry*, and would have actually run his Sword through his Body, if he had not been reliev'd by the Gentlemen his Companions, who fell upon *Lewis* ſo furiouſly, that he tumbled from his Horſe mortally wounded. *Henry* thinking him actually dead, hurry'd out of Town with his Attendants. The Emperor immediately ſent ſome Horſe in Purſuit of him, commanded by the Count *de Schwartzembourg*, the Captain of his Guards (1). But *Henry* got out of their Reach, by the Aſſiſtance of ſome Gentlemen, who conducted him, with all Speed,

1417.

*Windek*, cap. 71. *Avent. Ann. Bojor.* Lib. VII. p. 779. *Theob. ubi ſup.* p. 67. *Gundl. Hiſt. Frederick I. ubi ſup.* p. 99, &c.

(1) Some Hiſtorians ſay the Emperor went thither himſelf.

1417. into *Bavaria*. Mean time, the Emperor aſſembled his Council, to conſider of this Inſult, for which *Henry* was unanimouſly condemn'd to be put under the Ban of the Empire. But, juſt as the Emperor was going to pronounce the Sentence, the Elector of *Brandenbourg*, *Henry*'s Brother-in-law, fell at his Imperial Majeſty's Feet, to beg him to defer the Execution of this Sentence till *Lewis* was either dead or cured of his Wounds, becauſe, in either Caſe, the Affair might have a very different Aſpect. The Elector, who was moreover in *Sigiſmond*'s good Graces, the more eaſily obtain'd this Reſpite, becauſe he had been Witneſs of the Outrage with which he had treated *Henry* in full Aſſembly. *Lewis* was cured of his Wounds, but not of his Reſentment: For this Affair was attended with tedious Broils, and even with ſeveral Wars between the Dukes of *Bavaria*, and it was not accommodated till 1430, by the Mediation of the Emperor.

Diſputes about the Election of a Pope. Oct. 20. *Schelſtr. Act. & Geſt. p. 269.*

LXXXII. WE have obſerv'd, that the Emperor and the *Germans* did not comply with the importunate Inſtances of the Cardinals for the Election of a Pope, but on Condition that the Council would make a Decree to oblige the new Pope to ſet about the Reformation immediately after his Election, and even before his Coronation. The Cardinals therefore were urged to keep their Promiſe, and there were great Debates upon that Head between them and the Deputies of the Nations. Several Models of this Decree were propoſed on both Sides, but they could not agree in one. At length, after many Evaſions, the Cardinals made Anſwer, in plain Terms, that *the Pope was not to be preſcribed to, and that he could not be bound* (1). That was undoubtedly a very poor Shift, and manifeſtly diſcover'd the ill Intention of the Cardinals. For admitting that, according to the new Canon Law, the Pope *could not be bound*, were they ignorant of this Law when they promiſed to procure a Decree of the Council, by which the Pope ſhould be engaged to reform the Church before he meddled with any other Affair? Beſides, had not the *Pope's Hands been bound*, in ſeveral Reſpects, in the preceding Seſſion? The Cardinals ought therefore to have proteſted againſt that Seſſion, and to have left the Pope abſolute Lord and Maſter of all Benefices.

Arrival of the Biſhop of *Wincheſter*.

LXXXIII. WHILE theſe Things were tranſacting, News came to *Conſtance*, that *Henry Beaufort* Biſhop of *Wincheſter* (2), Uncle to the

(1) Tandem fuit dictum quod Papa electus ligari non poterat.

(2) This Prelate is known in Hiſtory by the Name of the Cardinal of *Wincheſter*. *Martin* V. made him Cardinal Prieſt of St. *Euſebius*, and eſtabliſh'd him his Legate in *Germany*, *Hungary*, *Bohemia* and *England*, againſt the *Huſſites*, as we ſhall find in the Hiſtory of that War. The Publick Acts of *England* call him Biſhop of *Wincheſter*; and from thoſe Acts it appears, that he was in ſome Diſgrace with the

the King of *England*, was arrived at *Ulm*, in his Passage to *Jerusalem*. The *English* thought this a favourable Opportunity to renew the Negotiation, and that by the Mediation and Authority of so holy a Man, who was travelling in Pilgrimage to the Holy Land, the Minds of People might be reconciled in a manner advantageous to the Church. They insinuated therefore to the Cardinals, that this Prelate being well inclin'd to the Union, and being moreover a Person of great Skill in Negotiations, the Emperor would go hand in hand with him, and that there was a Necessity of inviting him to *Constance*. They consented to it, and the Emperor sent him an Invitation under his own Hand. The Bishop of *Litchfield* went to *Ulm* to accompany him to *Constance*, where he made his Entry in the Habit of a Pilgrim. The Emperor and three Cardinals went to meet and receive him. For some Days that he stay'd at *Constance*, he effectually employ'd himself in this Affair, with so much Zeal and Dexterity, that, at length, it was resolved that the Council should order, by a Decree, *That the Reformation should be enter'd upon after the Election of a Pope; that the Articles of the Reformation agreed upon between the Nations should be dispatched; and that Deputies should be appointed to settle the Manner of Election.* The Cardinals had already promised, that the Reformation should come on after the Election of a Pope, and even without staying till his Coronation, and before he enter'd upon the Management of Affairs. But they had retracted what they had said, and therefore their agreeing to any thing, after so many fruitless Debates, was no small Matter. But, when all's done, this Agreement was of much more Advantage to the Cardinals than to the Emperor. They obtain'd almost every thing they had desir'd, because the Election came on before the Reformation; whereas the Emperor scarce gain'd any thing by it, because the Pope, when once install'd, and in Possession of the Government, might find a thousand Pretences to delay the Reformation, and even to evade it, as he certainly did. Mean time, this loose Engagement of reforming the Church, after the Election, was all they could get, and therefore they were glad to put up with it.

1417.

*V. d. Hardt*, T. IV. p. 447.

THE five Nations met, without Loss of Time, to give the finishing Stroke to the Articles of Reformation, as they had been agreed to by the Mediation of the *English* Bishop. What was the Substance of them, we shall see hereafter. I will only observe here, that the *Ger-*

*Oct.* 26.

*Schelst. Comp. Chron.* p. 68. *V. d. Hardt*, T. IV. p. 1448.

the King of *England*, and that he had been actually charged with Rebellion and High Treason; as is plain, from a general Pardon granted him, which we find in those very Acts, and from the King's Safe-Conduct which was allowed him for his Journey to the Holy Land. As to this Bishop, see *Acta Regia*, Vol II. *Rapin's* History of *England*, Tom IV, &c. Revolutions of *England*, T II. p 190, 193.

*mans*

1417. *mans* were absolutely for inserting an Article, among the rest, to settle the Cases wherein a Pope might be corrected and deposed, as well as the Manner of going about it; and there was one inserted accordingly. The Emperor, who, by the Mediation of the *English* Prelate, had very near obtain'd of the Cardinals all that could be got out of them, appointed Deputies to concert with them the Manner of chusing a Pope.

Whether the Cardinals ought to concern themselves in the Election of a Pope.

LXXXIV. THE Cardinals had, some Months before, given in a Model for the Election which was not approved of, especially by the Emperor and the *German* Nation; nor was it relish'd at the second time any better than the first. The chief Difficulty lay in the Objection made by some Persons, that the Cardinals ought to have no Share in the ensuing Election in Quality of Cardinals, but only as Deputies of their Nations. From what Quarter this Opinion came, the Acts do not say; but 'tis very probable it was from the *Germans*. 'Tis natural to suppose it was horribly displeasing to the Cardinals; and he of St. *Mark* in particular opposed it with all his Might. He represented, that the Election of the Pope appertain'd of Right to the Cardinals (1); that several were of Opinion that the Council could not dispose of this Right without the Pope; and that more than one Nation would not esteem the Person elected after any other manner to be Pope. The Cardinal of *Cambray* had asserted the same thing before. There was another Assembly of the Deputies afterwards, in which nothing was concluded, because it was entirely taken up in warm Debates, whether the Council could derogate from the Canon Law, and whether they had Authority to alter it. This Dispute was very ill timed, because it appears from this History, that the Council had pass'd several Decrees which expressly imported, that, notwithstanding *all the Laws and Constitutions, even of general Councils*, the Council order'd this or that. At length, upon the 28th of *October*, it was agreed on both Sides, that six Deputies of each Nation should have a Right of Suffrage with the Cardinals in the Election of the Pope; and the Cardinals Project for the Election was approved, with certain Modifications which are not specify'd. Therefore nothing remain'd, but to ratify, in a publick Session, all that had pass'd between the Nations and the Cardinals. This was to be the Business of the Fortieth Session, which, in a *Vienna* MS. is call'd the *very good Session*, because every thing was therein disposed for the Election of a Pope.

Oct. 28.

SESSION FORTIETH. Oct. 30. *V. d Hardt*, T. IV. p. 1449.

LXXXV. THE Emperor was not present at it, but the Elector of *Brandenbourg* was. The Mass of the Holy Ghost was celebrated by the Cardinal *des Ursins*. After the usual Ceremonies, the Cardinal

(1) It was *Innocent* II, who, in the XIIth Century, vested the sole Right of electing the Popes in the College of Cardinals.

of St. *Mark* read the Reſolutions of the Nations. The firſt related to the Pope's Engagement to reform the Church after his Election; and it was drawn up in theſe Terms: 'The Council orders, that 'the future Pope ſhall, in concert with the ſaid Council, or with the 'Deputies of the Nations that ſhall be appointed for that End, 'reform the Church in its Head (1), as well as the Court of *Rome*, 'according to Equity and the due Government of the Church, before 'the Council is diſſolv'd; and that the ſaid Reformation ſhall be ac-'cording to the Articles agreed upon in the Reforming College. '*To which the Decree adds, that* when the Deputies ſhall be nominated 'to make the ſaid Reformation, it ſhall be free for the other Mem-'bers of the Council to withdraw, with the Pope's Leave.' Many Reflections might be (2) made upon this Decree of the Council; and I very much ſuſpect, that the Emperor was not at this Seſſion, becauſe he did not like it. For 1. When the Pope was once recogniſed, and preſiding at the Council, it might naturally be imagined that he would act without Control, notwithſtanding his Engagements; whereas he durſt not have acted thus before his Coronation. 2. The indefinite Term, *before the Diſſolution of the Council*, left him at Liberty to ſettle any other Affair that he pleaſed before the Reformation. 3. The Clauſe, *according to Equity*, ſeem'd to lye quite open to cavil; for, as the Articles of the Reformation were to be agreed upon by the Reforming College, it looks as if they had a mind to leave the Pope at Liberty, by that Clauſe, to ſay, when he pleaſed, that ſuch and ſuch an Article was not equitable. 4. The Reformation of the Pope and his Court was a very great Task; but there were many other Reformations to be made in the ſuperior and inferior Clergy, and it was dangerous to leave that Reformation to the Diſcretion of the Pope. 5. The Liberty which was granted to the other Members of the Council to withdraw, except thoſe commiſſion'd for the Reformation, ſeem'd of pernicious Conſequence; becauſe, if any Difficulty had aroſe among the Commiſſioners, the Pope would have decided it, the Council being, as it were, diſſolv'd. 1417.

HOWEVER this be, theſe were the Articles on which it was agreed the Reformation ſhould turn. 1. Concerning the Number, Quality, and the Nation of the Cardinals (3). 2. Concerning the Reſervations of the Holy See. 3. Concerning the *Annates*, the common and ſmall Fees. 4. Concerning the Collations to Benefices, and the *Gratiæ*

(1) *Bzovius*, *Sponde*, *Richer*, and *M. Dupin*, add, *and in its Members*; which is not to be found in the Acts of the *Vatican*, nor in thoſe of *Germany*.

(2) See *Richer*'s Reflections on this Decree. T II p. 186

(3) M. *Dupin* does not ſpeak of the Nation of Cardinals; but I take it to be an Error of the Preſs, for all the Acts of *Germany*, as well as *Bzovius*, *Sponde*, *Richer* and *Schelſtrate* make mention of it.

1417. *Expectativæ*, or Reversions. 5. Concerning the Confirmation of Elections. 6. Concerning what Causes ought, or ought not, to be pleaded at the Court of *Rome*. 7. Concerning Appellations, or Appeals to the said Court. 8. Concerning the Offices of the Chancery and Penitentiary. 9. Concerning the Exemptions and Unions, or *Incorporations*, made during the Schism. 10. Concerning *Commendams*. 11. Concerning *Intermediates*, that is to say, Revenues during the Vacancy of Benefices. 12. Against the Alienation of the Estates of the Church of *Rome*, and other Churches. 13. Concerning the Causes for which a Pope may be corrected and deposed, and how. 14. Concerning the Extirpation of Simony. 15. Concerning Dispensations. 16. Concerning the Provisions for the Pope and Cardinals. 17. Concerning Indulgences. 18. Concerning the Tenths.

AFTERWARDS the Council order'd, by another Decree, that they should proceed to the Election of a Pope, notwithstanding the Absence of *Peter de Luna*'s Cardinals, who had been expected above three Months since he was deposed. Nevertheless the Council declares, that if they arrive before the Election is over, and are willing to unite to the Council, they shall be admitted to it, conformably to the Capitulation of *Narbonne*.

*Van der Hardt*, T. IV. p. 1452. NOTHING more remain'd but to read the Decree concerning the Manner and Form of the Election of the future Pope, which ran thus. 'In order to set the Election of the future Pope above all Contradiction 'and all manner of Scruples, and to render the Union that ought to result 'from it, certain, perfect and unalterable, the Council, by the express and unanimous Consent of the College of Cardinals and of the 'Nations, statutes, ordains and decrees, that for this Time only six 'Prelates, or other distinguished Clergymen of every Nation (1), 'shall be chosen within the Term of ten Days, to proceed with the 'Cardinals to the Choice of a Sovereign Pontiff: So that he, who 'shall be elected by two thirds of the Cardinals, and by two thirds 'of the Deputies of the Nations, shall be deem'd by all the Church, 'without Exception, as the true Pope; and that the Election shall 'be void if it be not carry'd by two thirds of the Suffrages, as well 'of the Cardinals, as of the Deputies of the Nations: That the 'Cardinals and the Deputies of the Nations shall be obliged to observe even all the Penal Laws and Constitutions, and all the Usages 'generally observ'd in the Election of Popes, and that they shall swear 'to act on this important Occasion without Prejudice, Hatred, Favour, and without any Passion, but for the Welfare of the Church.' Besides, the Council order'd the Electors to enter the Conclave in ten Days Time for the Election.

(1) That is to say, thirty Clergymen, besides the Cardinals.

LXXXVI. ALL

LXXXVI. ALL the Articles of the Reformation above-mention'd had been very warmly debated in the College of the Reformers, but none with so much Heat as that concerning the *Annates*. They call by this Name that Right which the Popes claim over all Christendom to the first Years Revenues of the Benefices that became vacant, but especially the most considerable; as, Archbishopricks, Abbeys, Priories, Cathedral, Collegiate and Conventual Churches. Authors are generally agreed, that this Imposition first began in the XIVth Century; but some place it sooner and others later in that Century. *Polydore Virgil* says, that the Council of *Vienne*, which was held in 1311, under *Clement* V, made a vain Effort to suppress the *Annates*, which shews, that they were subsisting at that Time. It appears, indeed, from the History of *England*, that *Clement* V, at his Entrance on the Pontificate, imposed the *Annates* in that Kingdom for three Years. *Edward* I. consented to it immediately; but the Parliament openly opposing it, the Pope's Bull was declar'd abusive, and the King revoked his Consent. Mean time, notwithstanding these publick Complaints and Oppositions, the Popes still went on the old Way, and were never at a Loss for plausible Pretexts to excuse those Exactions: That which was pleaded by *John* XXIII. *Clement*'s Successor, was very common at that time a Day, *viz.* a Journey to the Holy Land. They say, that at first he only order'd them for the Term of three Years; but that when the three Years were expir'd, they were continued by that Pope and his Successors; particularly by *Benedict* XII. and *Clement* VI, which last had great Disputes upon that Head with the *English* in the Reign of *Edward* III. *John Wickliff* attacked the *Annates*, as well as the other Abuses of the Church of *Rome*, with all his Might. The common Revenues of the Popes being diverted by the great Schism in the West, during which they had Need to support themselves against one another, *Clement* VII. took the Opportunity of *Charles* VI's Minority to oppress the Kingdom of *France* by his Reservations, his *Gratiæ Expectativæ*, or Reversionary Grants, and by the imposing of the *Annates*, in spite of the Remonstrances of the University of *Paris*. Nevertheless, *Charles* VI, by an Edict which he publish'd in 1387, prohibited the carrying any Money to *Rome*, and order'd, that the Ecclesiastical Revenues should be left to his Disposal, to be employ'd in Reparations of the Churches, and the Maintenance of the Clergy. This Edict was renew'd in 1398 and in 1406. *Boniface* IX. was as great a Tyrant at *Rome*, as *Clement* VIII. was at *Avignon*; and *Boniface* is most generally supposed to be the Man that establish'd the *Annates* no longer as a charitable Supply, but as a Right annex'd to the Dignity of the Sovereign Pontiffs. Yet *Niem* says, that *Boniface* pretended some necessary Occasions; and *Platina* declares, he only demanded one half of the Revenues of the first

1417.

The *Annates*

*Polyd. Virg. de Invent. rerum* Lib. VI. cap. 2.

*Larrey's* History of *England*, Part I. p. 611.

Father *Paul* of Benefices, p. 718.

*Dupin Bibl. Eccles. Cent.* XIV. p. 171.

*Marselier* of the Tenths, p. 294, 301.

*Raynald. ad ann.* 1399. n. 13.

*Jean. des Ursins*, p. 64.

*Gersoniana*, p. 6.

*Id.* p. 18.

*Platin Boniface* IX.

*Niem de Schismate*, Lib. VII. c. 7. p. 18.

1417. firſt Year's Vacancies; and that the ſaid Tribute was generally granted, except in *England*, where they would not pay any *Annate* but for vacant Biſhopricks. *Naucler* adds, that in *Germany* they only paid the *Annates* of ſuch Prelacies as immediately depended on the See of *Rome*. *John* XXIII. was even more skilful and bolder than *Boniface* IX. in the Exerciſe of a Myſtery which he had learn'd at his School; for the ſaid *John* having given the Univerſity of *Paris* ſome Satisfaction with Regard to the Mendicant Fryars, who, by virtue of a Bull from *Alexander* V, incroach'd more than ever upon the Rights of the Curates, he flatter'd himſelf that the ſaid Univerſity would be favourable to him upon the Article of the *Annates*; but there he was miſtaken; for, through the Sollicitation of the Univerſity, the King and Parliament, in 1411, renew'd the Edict of 1406, by which that Impoſition was ſuppreſs'd.

*Paſquier Recherche de la France*, Lib. III. cap. 15. p. 137.

*Gerſoniana*, p. 29, 32.

IT was obſerv'd, in the fourth Book of this Hiſtory, that when the Council of *Conſtance* was aſſembled, the King of *France* having recommended to his Ambaſſadors and Deputies at the Council, to cauſe the Liberties of the *Gallican* Church to be therein confirm'd, eſpecially in the Article of the *Annates*, the latter took that Affair into Conſideration in ſeveral Congregations, of which the Curious may ſee the Particulars in the ſecond Tome of *Dom. Martene*'s *Anecdotes*. But the Cardinals ſtrenuouſly oppoſed it. They were willing enough that the Abuſes which were introduced in that Article ſince the Schiſm, ſhould be reform'd, but they inſiſted that the Right of the *Annates* might be ſupported. Whereupon they drew up the following Article: 'That the Tax, ſpecify'd in the Regiſters of the Apoſtolical 'Chamber for vacant Churches and Monaſteries, ſhall be paid, in 'order to go towards the Maintenance of the Popes and Cardinals: 'That if any of thoſe Taxes are exorbitant, they ſhall be reduced 'and paid but once for a Church and Monaſtery, in caſe it ſhould 'happen to be vacant twice in one Year.' But the *French* abſolutely inſiſted on demanding the Abolition of the *Annates*, without admitting of the Medium propoſed by the Cardinals; which obliged the latter to appeal to the future Pope. The *French*, on their Part, were not wanting to reply. They anſwer'd the Cardinals Appeal by a Proteſt, drawn up in due Form, and with juſt Arguments, intituled *Apoſtoli & Reſponſio* (1), *&c.* that is to ſay, *The Anſwer of the* Gallican

(1) This Piece was printed among the Works of *Nicholas de Clemange*, was reprinted in the Collection of *Orthuinus Gratius*, or *Hardouin de Graes*, again by Meſſieurs *Richer* and *Dupui*, and, laſt of all, by Dr. *Von der Hardt*, T I Part 13. p. 23. *M. Dupin* has given an Abridgment of it in the twelfth Volume of his *Bibliotheque Eccl.* It was afterwards inſerted with more Form in the ſecond Tome of *Dom. Martene*'s *Anecdotes*, and, a Year after, in the *new Hiſtory* of the Council of *Conſtance*, by M. *Bourgeois de Chaſtenet*, who, probably, did not know that it had been printed in all the Places I have now mention'd.

*Nation*

*Nation to the Cardinals appealing againſt the Refuſal of the ſaid Nation to pay the* Annates. Dr. *Von der Hardt*, who has abridg'd this celebrated Piece, has divided it into three Parts. The *French* Nation declares, in the firſt Part, that the Cardinals, and particularly thoſe of *Piſa*, *Cambray* and *Florence*, who are Commiſſioners in the Affair, are blamable for the Scandal of this Diſpute, becauſe they were for maintaining the Juſtice of the *Annates*, contrary to the general Opinion of the Nations. I cannot help obſerving here, that two of the Cardinals, *viz.* thoſe of *Cambray* and *Florence*, had alter'd their Opinion upon this Article. The former, in his Treatiſe of the *Neceſſity of a Reformation*, which he compoſed at the Opening of the Council, had fallen unmercifully upon all the Reſervations of the Court of *Rome*, as an Abuſe which was likely to ruin both Church and State. The latter had alſo expoſed it more clearly in his Articles of Reformation preſented to the Council, becauſe he mention'd the *Annates* expreſsly among the Abuſes which there was an abſolute Neceſſity of redreſſing; whereas the other had only ſpoken of the Reſervations in general. 'Tis true indeed, that 'tis not very certain whether this Piece was really *Zabarella*'s. 1417.

IN the ſecond Part of the *Factum* of the *Gallican* Nations, there are the Reaſons that Nation had to demand the Suppreſſion of the *Annates* (1), which were, 1. That the ſaid Impoſition was not founded upon any Privilege, nor upon any Diſpoſition of Law. 2. That, excepting the vacant Benefices at the Court of *Rome*, there was no Inſtance of the *Annates* being impoſed before *John* XXII, who demanded them from all Benefices, Abbeys excepted, under Pretence of a Voyage beyond Sea, and ſome other neceſſary Occaſions; for which Reaſon the *Engliſh* had, till that Time, paid the Popes no Part of the Revenues of vacant Abbeys. 3. That afterwards, when ſome of *John* XXII's Succeſſors demanded the Revenues of vacant Benefices for certain Reaſons, the Clergy, the Princes and Laity, had only conſented to it by Toleration; and that when thoſe Exactions were exorbitant, Oppoſition was made to them in ſeveral Kingdoms, particularly in *England*; and that now there was the more Colour for oppoſing them, becauſe the Reaſons, or Pretexts, ſuch as the Voyages beyond Sea, no longer ſubſiſted. 4. That no Preſcription nor Cuſtom can be alledged as a Foundation for ſuch pretended Right, becauſe it was never claim'd for ten Years together, without being oppoſed. 5. That the Schiſm having contributed very much to the fomenting of this Abuſe, there was no Time more proper to remedy

(1) *Ut omnino ceſſent Annatæ.* i. e. That there might be no longer any *Annates*. The *French* thereupon quote the Decretals of *Gregory* IX, and the third *Lateran* Council. *V. d. Hardt*, T I. Part VII. p 280, 281, and Part IX p. 518.

1417. it, than that when the Nations were to be united under one Head. 6. That these Exactions arose principally from the Appeals to the Court of *Rome*, when there happen'd to be a Competition for any Benefice; because then he that promised the first Year's Revenue, carry'd his Point, which, at least, has something of the Face of Simony, if it be not direct Simony itself; for the *Annates* are not paid, because the Benefices are vacant, but because they are conferr'd by the Pope; which is very clear, because the Cardinals, who are not at the Court of *Rome*, receive no Part of the *Annates*; whereas they ought to be shar'd among all, if they were given by reason of the Vacancy. 7. That those Offerings, which at first were voluntary, being become Obligations since the taxing of Benefices by the Apostolical Chamber, are tyrannically exacted by keeping back the Writs of Collation; and that it often happens that the Persons inducted are obliged to pay the Arrears of their Predecessors, when it appears, in the Registers of the Apostolical Chamber, or of the Cardinals, that there is any thing due, in which too there is often a great deal of Trick and Knavery. 8. The Nation concludes, that, by reason of the Quarrels, Murders, Treasons, and enormous Scandals, which have been, and are still, occasion'd by the *Annates*, *France* had been oblig'd to abolish them provisionally, that they had demanded of the Pope that they might be entirely abolish'd, and that they now demanded it of the Council. That 'tis Heresy to maintain the Right of the *Annates*, because the exacting of them is tyrannical, simoniacal, contrary to good Manners, ruinous to the Church, the State and Religion, and that it necessarily involves People in Perjury, every beneficed Person being obliged to swear that he will alienate nothing from the Church, Monastery, or other Benefice, to which he shall be collated. That the Pope himself is an Accomplice of the Perjury of which he causes the Commission; for every Pope is obliged to swear, after his Election, that he will not alienate any Part, either of the Revenues of the Church of *Rome*, or of those of other Churches. That the Appeal of the Cardinals to the future Pope is an Evasion injurious to the present Council, which is a competent Judge in this Affair; whereas the Pope cannot be such in his own Cause, and in that of the Cardinals, whose Advice he should take. That Pope *John* XXIII. boasted he had a Million seven hundred thousand Florins of Gold in several Places; that it was probable the Cardinals had as much, and that the greatest Part of this Money came from *France*.

IN the third Part, there's an Answer to the Arguments urged by the Cardinals to support the Tax of the *Annates*. The first Argument is, that all the Churches being derived from that of *Rome*, 'tis but just that they should all contribute to the Maintenance of the Sovereign Pontiff. 'Tis answer'd, that every Bishop ought to have wherewithal to main-

maintain himſelf in his own Benefice, and that the Biſhop of *Rome* has the ſame Right. That, in a Caſe of Neceſſity, the Pope may demand a Free Gift from his Clergy, from the Churches of his Dioceſe, and from thoſe which hold immediately of his See. That finally the *Greek* Church is more ancient than the *Romiſh*, St. *Peter* having his See at *Antioch*, and St. *James* at *Jeruſalem*, before ever there was a Biſhop at *Rome*. The ſecond Argument of the Cardinals, in Maintenance of the *Annates*, was, that they were neceſſary for the Support of their Maintenance, in Quality of the Pope's Coadjutors. Upon which, the *French* diſtinguiſh the Cardinals into two different Claſſes, *viz.* their preſent State, and what they were then. 'The 'Cardinals, *ſay they*, had, at their firſt Inſtitution, the principal Of- 'fices in the Collegiate Churches of *Rome*, of which they ſtill retain 'the Titles, and they were the Curates of the Pariſhes of the ſame 'Church. For this Reaſon, they were call'd *Cardinals*, that is to 'ſay, *Principals*: Nor was this Name peculiar to the Church of *Rome*, 'becauſe at *Ravenna*, and elſewhere, there were Churches wherein the 'chief officiating Clergy were call'd Cardinals. The Office of thoſe Car- 'dinals, as well Biſhops as Prieſts, was to preach, confeſs, baptiſe, *&c.* 'They were obliged to be content with the Revenues of their Bene- 'fices, as well as others of the Clergy, unleſs when, in Caſe of Ne- 'ceſſity, they had Recourſe to the Charity of other Churches. But, 'continues the *Memorial*, when *Conſtantine* gave the Empire of the 'Weſt to the Church of *Rome*, the Cardinals quite changed the 'State of it. This Emperor was willing that the Church ſhould have 'a Senate, and that the Senators ſhould be diſtinguiſh'd by Orna- 'ments and a Splendor, to denote their Dignity. The Cardinals are 'thoſe Senators, *as the Memorial ſays*, upon the Authority of Pope '*Innocent* (1). 'Tis their Office to be the Pope's Counſellors, as 'the Lay-Senators are to Princes. In order to maintain this Dignity, '*Conſtantine* gave them a certain Patrimony which has ſince been 'very much augmented. And if the Cardinals have ſuffer'd it to go 'to Wreck, or to be uſurp'd by others, they ought either to recover 'it, or to be content with their primitive State, becauſe the Port 'which they carry at preſent, is too great a Burden upon the 'Church, and, according to ſome, very unneceſſary.' Finally, the *Gallican* Nation does not pretend to ſay in this Memorial, that the Cardinals are the Pope's Coadjutors (2). This, ſays the Memorial, is a Title which appertains to the Biſhops, who, by Right, are above 1417.

(1) Probably this was *Innocent* II. who made them the Electors of the Popes, or *Innocent* IV, who gave them the Red Hat.

(2) *Peter d'Ailli* calls the Cardinals by this Name in his Tract, *De Eccleſ. Conſil Gener. Roman Pontif. Auct. ap. Gerſon.* T. II. p. 929

the

1417. the Cardinals, becauſe formerly Cathedral Churches were beſtow'd, as a Reward, on ſuch Cardinals as had ſerv'd well, and becauſe, when the Church was endow'd, it ſettled, in a general Council, the Number of the Cardinals Domeſticks at twenty five, and that of (*a*) the Biſhops at thirty. ‘ Mean time, *continue the* French, the Cardinals ‘ have ſuch a Contempt for the Biſhops, and others of the Clergy, at ‘ this Day, that they regard them little more than their Footmen, ‘ and are above putting their Hands to their Hats for any Prelate ‘ whatſoever, even tho' he ſhould fall down at their Feet to homage ‘ them (1). But there's no King nor Prince would behave ſo, be- ‘ cauſe the Biſhops have receiv'd their Authority immediately from ‘ Jeſus Chriſt; whereas the Cardinals, in that Quality, have only re- ‘ ceiv'd theirs from Man.’ The third Argument is deduced from the Power, which the Pope and Cardinals pretend to be poſſeſs'd of, to receive the *Annates* of Prelacies, eſpecially in the Kingdom of *France*. 'Tis anſwer'd, 1. as above, by ſaying, That this is a Poſſeſſion founded upon no Title, and that it has been only practis'd by a Toleration and Permiſſion, which may be revoked at Pleaſure. 2. That the Impoſition is inſupportable (2), the Revenues of vacant Cathedrals and Abbeys in *France* amounting, according as they are tax'd by the Apoſtolical Chamber, to ſix hundred and ninety ſeven thouſand ſeven hundred and fifty Franks of Gold (3), which would amount to near ſeven Millions for all the Nations, without reckoning the Prelacies, and other inferior Benefices, which are not tax'd, and which amount to altogether as much. 3. That the Cardinals are in Poſſeſſion of ſix Cathedral Churches in *France*, and other Benefices, which they ought to be content with, without demanding the *Annates*. 4. That the *French* Nation is more charged than all the others put together: That *England* only pays the Apoſtolical Chamber for the Biſhopricks, which are not many, and that the *Engliſh* don't ſuffer the Cardinals to hold any Benefice there: That in ſome Parts of *Spain* nothing at all is given to the ſaid Chamber: That in *Italy* the Prelacies and Eccleſiaſtical Benefices are of very little Value; and that even the Temporal

(*a*) *Richer's* Hiſtory of the Council, Lib. II. p. 227.

See *Dupin*, T. XII. p. 24 col. 2.

(1) Nec pro quocunque Prælato, etiam prono adorante eos in terra, ponerent manum ad capellum, *ubi ſupr.*

(2) Nam Taxa Vacantiarum, ſecundum quod deſcriptum eſt in Libris Cameræ Apoſtolicæ, de Eccleſiis Cathedralibus, & Abbatiis Galliarum taxatis, adſcendit ad ſexcenta nonaginta ſeptem millia ſeptingenta quinquaginta Francorum (697750.) *Richer*, Lib. II. p. 228.

(3) It was worth ſeven Livres. See *Le Blanc*, p. 217, of his *Treatiſe of Coins*. This for *France* alone amounted to near four Millions ſeven hundred thouſand Livres, and a great deal more, according to the Calculation preſented to King *Lewis* XI. by the Parliament of *Paris*, in his Defence of the Liberties of the *Gallican* Church againſt the Court of *Rome*. This Piece, which is worth the Peruſal, may be found in the Supplement to *Duaren's* Tract, *De Sacris Eccleſiæ Miniſteriis & Beneficiis*. M. le Duchat.

Lords

Lords and the Commonalty, whenever they pleaſe, hinder the Apoſtolical Chamber from receiving any Part of the Revenues. Upon this Occaſion, the *French* bring the Republick of *Florence* as an Inſtance; *John* XXIII. having confer'd an Abbey there upon an improper Perſon, the *Florentines* depriv'd him, for ſeven Years, of the Right of conferring any Benefice in their Country. Neither the Pope nor the Cardinals oppoſed it, and all that while they were deprived of the *Annates*. That there are Provinces and Dioceſes in *Germany* where the Pope receives nothing, and where even the Apoſtolical Letters are not receiv'd, if the Biſhops are not in the Humour, who often refuſe to give their *Vidimus*, or Certificate, that they have ſeen them. The fourth Argument has two Foundations; one, that the Pope and Cardinals employ the *Annates* to the common Service of Chriſtendom; the other, that they could not live without the *Annates*, becauſe the Patrimony of the Church has been waſted by the Schiſm. As to the firſt Plea; 'tis anſwer'd, that it would not be juſt to refuſe Aſſiſtance to a good Pope, who ſhould labour heartily, and ſetting every private Intereſt apart, for the Edification of the Church, and the Salvation of Souls, and who ſhould adminiſter Juſtice faithfully. As to the Cardinals, 'tis anſwer'd, that if nothing is due but to thoſe who ſerve, there's a great Number of them who not only do no Service at all, but a great deal of Hurt. As to the ſecond Plea, *viz.* the waſting of the Patrimony of the Church, by reaſon of the Schiſm; it is anſwer'd, that, by alledging this Reaſon, they diſcover their own Turpitude; that the Cardinals are they who elected the Popes during the Schiſm; that they have been choſen out of their College; and that if they have pitch'd upon Squanderers, inſtead of electing better Men according to their Oath, they have none to thank for it but themſelves. The fifth Argument, which the Cardinals urg'd for their Appeal, was, that when they were about to deliberate with the *French* Nation on the Affair of the *Annates*, they were intimidated by the Menaces of ſome Princes, and had no Liberty left them. The *French*, upon this Article, plainly give the Lye to the Proctor *Scribanis*, and anſwer, by way of Recrimination, that the Cardinals are the Men who have inceſſantly ſcatter'd Terror in the Debates, by the Menaces and Affronts with which they have treated the Prelates, and other Perſons of Diſtinction of the *French* Nation, as well as their Officers, even ſo far as to make them fearful of loſing their Employments: That they gain'd over others by the Hopes of ſome Advancement; that they aſſembled their own Officers under the Noſes of the *French* Nation, to clamour againſt them, and to diſturb their Conſultations; that not being able to effect this, they had ſummon'd an Aſſembly of the Prothonotaries, Auditors, Scri- 1417.

1417. veners, Curſitors of the Court of *Rome*, and the very Tradeſmen, and repreſented to them, that the *French* Nation alone was bent upon the Deſtruction of the Eſtabliſhment of the Pope, the Cardinals, the Court of *Rome*, and the Apoſtolical Chamber; and that there was a Neceſſity for finding out a Way to hinder their Pretenſion from gaining Ground in the Aſſembly of the other Nations; that, in ſhort, they had made ſuch a Noiſe, and ſet ſo many Engines at work by their Oppoſition and Clamours, that, upon this Occaſion, there had like to have been an Inſurrection againſt the *French*. The ſixth Argument ſeem'd to be alledg'd to ſalve the Accuſation of Simony, *viz.* that the Obligation to pay the *Annates*, is real, and not perſonal, that is to ſay, annex'd to the Benefice, and not to the Perſon. The *French* thereupon appeal to the Proctor's own Conſcience, and ſhew, from ſeveral Reaſons, that this Obligation is perſonal, or that there never was any ſuch in the World. This is prov'd by the Contract which is made at *Rome* with the Perſon that is to be promoted, whereby he engages his Perſon, and his Monaſtery or his Church, to pay what is demanded of him, or elſe he cannot receive his Writ of Induction. In *Clemanges*, in *Richer*, and *M. Von der Hardt*, there's the Form of the Obligation at length, which is carefully and ſecretly preſerv'd by the Cardinals in the Apoſtolical Chamber. 'Tis too tedious, and abounds too much with the Law-Terms, to be inſerted here; but, however, 'tis neceſſary to give the Subſtance of it. The Prelate, who is collated to any Benefice, declares, 1. That freely, of his own Accord, and by the Apoſtolical Permiſſion and Authority, he promiſeth to give, and actually doth give, to the Pope's Chamber, and to the College, of the Cardinals, for the ordinary Service, ſuch a Number of Florins of good Gold of the Chamber, and the five cuſtomary Services for the Domeſticks and Officers of the Popes and Cardinals. 2. He enters into an Acknowledgment to the Chamber, the College, and the ſaid Officers, for the Sums in which his Church has been engaged by any of his Predeceſſors. 3. He promiſes to pay thoſe Sums to the Court of *Rome*, whereſoever it be, at three Terms therein mention'd. On failure of Payment, he engages to repair to the Court of *Rome* four Months after the Extirpation of the Term, and to appear in Perſon before the ſaid Cardinals, or their Succeſſors, and not to depart from the Court till it is ſatisfy'd. 4. For this Sum, he engages his Perſon, his Church, his Succeſſors, the real and perſonal Eſtate of that Church, preſent and to come, whereſoever 'tis ſituate, and ſubmits himſelf to the Juriſdiction and Proceſs of the Popes, Chamberlains, or their Succeſſors. 5. If he does not perform all thoſe Engagements which he voluntarily, and at his own Requeſt, enters into, he is declar'd ſuſpended from all Spiritual and Temporal Admini-

*Richer ubi ſup.* p. 238. *V. d. Hardt*, T. I. p. 786, 787.

Adminiſtration of his Church, ſubject to the major Excommunication, and to other Pains, which ſhall be aggravated, according as it ſhall pleaſe the Court of *Rome*, and this without other form of Proceſs. 6. He renounces all manner of Privilege, or Apoſtolical Conceſſion, obtain'd, or to be obtain'd, againſt this Obligation, all Appeals and Reſtitutions *in integrum*, all Tribunals, Uſages, Preſcriptions, and other Methods, founded on the Canon or Civil Law, for revoking ſuch Grant. Finally, he ſwears, upon the Holy Goſpels, to obſerve this Treaty exactly, and not to contravene it directly or indirectly, either by himſelf or by another. The ſeventh Argument which the Cardinals made uſe of to hinder the coming to any Concluſion upon the *Annates*, was, that there ought to be no Innovation while the Emperor and *Peter de Luna* were in Conference and in Treaty (1), for fear of obſtructing the Union of the Church, conſidering that the taking away of the *Annates* would tend to the Reproach of all Chriſtendom. 'Tis anſwer'd, that, on the contrary, there is nothing can do more Honour to Chriſtendom than to take away an Occaſion of committing ſo many Crimes and Scandals, becauſe, by the *Annates*, the Churches are deſtroy'd and ruin'd, the Clergy oppreſs'd, the Pulpits fill'd with ignorant and vicious Paſtors, and the Intention of the Founders fruſtrated. That, ſince the ſame were eſtabliſh'd, there was no Poſſibility of exerciſing either Juſtice or Charity. That the taking off the *Annates* is a thing ſo far from an Innovation, or an Infraction of any Treaty, that, on the contrary, the Emperor and the Kings, as well as all Chriſtian People, would accuſe the Council of not having done its Duty, if they ſhould leave ſo great an Abuſe ſubſiſting. That there was no Good to be expected from *Peter de Luna*, and that thoſe of his Obedience would only be the more ready to abandon him, and to unite to the Council, if they ſaw it take vigorous Meaſures for the Reformation of the Court of *Rome*. This was the Subſtance of the Proteſtation of the *French*, which I have placed in the Fortieth Seſſion, becauſe then it was that the principal Articles of the Reformation were drawn up, and becauſe *Meſſieurs Richer* and *Dupin*, both eminent Doctors of the *Sorbonne*, have given it the ſame Place. 1417.

LXXXVII. THE Conclave had been prepar'd, in the mean time, for the Cardinals to enter it without Delay. There were fifty three Rooms for each of the fifty three Electors, *viz.* thirty Deputies of the Nations, and twenty three Cardinals. Each had his Apartment aſſign'd him by Lot, and every one ſet up his Name and Arms at The Conclave. *Nov.* 2. *V. d. Hardt*, T. IV. p. 1460.

(1) It appears from hence, that this Conteſt aroſe before the Return of the Emperor in 1416, tho' it is generally placed in the Fortieth Seſſion.

1417. Nov. 7. the Door, according to Cuſtom. When all was ready, the Emperor cauſed an Edict to be publiſh'd by Sound of Trumpet, whereby all Perſons were forbid to go within a certain Diſtance of the Conclave all the time it was ſhut up. The Count *de Papenheim* Marſhal of the Empire, and *Henry de Helm* Conſul of *Conſtance*, march'd at the Head of the four Heralds, who read the Edict; one in *Latin*, the ſecond in *German*, the third in *Italian*, and the fourth in *French*, to the end that no body might have room to plead Ignorance. But why was it not alſo read in *Spaniſh*, becauſe there were five Nations, of which the *Spaniſh* was the moſt touchy? Whatever was the Reaſon, the Edict did alſo prohibit the ſeizing upon the Houſe of that Cardinal who ſhould be choſen Pope, and the plundering it, according to the wicked Cuſtom of the *Romans*.

*Reich.* fol. 35.

SESSION FORTY ONE. Nov. 8. *V. d. Hardt*, T. IV. p. 1461.

LXXXVIII. THIS is what we ſhall now ſee confirm'd in the XLIſt Seſſion, at which the Emperor was preſent. After the Maſs, which was celebrated by the Cardinal of *St. Mark*, the Biſhop of *Lodi* preach'd a Sermon upon theſe Words, *Look even out the beſt* (1). Perhaps it would not have been amiſs to have added the Words which follow in that Paſſage, according to the Vulgate Verſion, *And him that pleaſeth you* (2). It muſt be own'd, however, that the Prelate very ſtrenuouſly exhorted the Fathers to behave in this Choice with a good Conſcience, without Fraud, Faction or Caballing, and without any other Reſpect than to the Good of the Publick. For this Purpoſe, ſays he, all they have to do is to *chuſe a Pope who has all the Characters oppoſite to thoſe Phariſees*, that is to ſay, *to thoſe Sovereigns who have ravaged the Lord's Sheepfold for near forty Years.* He does not diſſemble, that there are ſeveral among them who are come to the Council under Colour of the general Good of Chriſtendom, but at bottom mean nothing more than their own Intereſts. After theſe Reflections, he enters more particularly into the Deſcription of a good Pope, and makes his Goodneſs to conſiſt in theſe three Characters; *the Purity of Manners*, *Doctrine*, *and Capacity or Wiſdom in the Government of the Church.* 'What a horrid Abuſe it is, *ſays he*, to be oblig'd to call an 'infamous wicked Man *Moſt Holy!* Take Care not to give St. *Peter*'s 'Chair to a *Gehaſi*, a *Judas*, or a *Simon*, unleſs you are willing to 'ſell Jeſus Chriſt again, and to crucify St. *Peter* at *Rome*. There is 'Need of a good Pilot to a Ship that is leaky on all Sides, whoſe Sails 'are torn, Anchor loſt, and Maſts ſplit in Pieces. There is Need 'of a good Phyſician in a Plague-time, and when both the Sheep 'and Shepherds are gone aſtray, there is a Neceſſity for a Paſtor, of

*V. d. Hardt*, T. I. p. 931.

(1) Eligite meliorem, 2 *Kings* x. v. 3.
(2) Et eum qui vobis placuerit.

'conſummate

'conſummate Abilities, to bring them back into the Fold.' The Character he gives of a good Paſtor is very beautiful. 'Tis pity that it only remains a Character, without being anſwer'd: *Chuſe one*, ſays he, *who, with regard to Kings, may prove a* John Baptiſt; *with regard to the* Egyptians, *a* Moſes; *with regard to Fornicators*, a Phineas; *with regard to Idolaters, an* Elias; *with regard to Liars, a* St. Peter; *with regard to covetous Men, an* Eliſha; *with regard to Blaſphemers, a* St. Paul; *and with regard to Buyers and Sellers, another* Jeſus Chriſt. 1417.

AFTER this Sermon, the Preſident read the Goſpel, beginning at theſe Words, *If ye love me, ye will keep my commandments.* When all the other Ceremonies were perform'd, ſeveral Decrees were read, which are not rank'd in the ſame Order in the ſeveral Acts of this Seſſion. As 'tis a Matter very indifferent, I ſhall follow that which appears to me moſt natural. In the firſt Place therefore, a Conſtitution of *Clement* VI. (1) was read, concerning the Regimen of the Cardinals in the Conclave. Whereas *Gregory* X. (2) only permitted them to be attended by one Servitor a-piece, whether Clergyman or Layman, except in Caſe of evident Neceſſity, this Bull permitted them to have two, who were to be in the Cardinals own Room without any Partition between them. Beſides Bread, Water and Wine, they are allow'd for their Dinner and Supper one ſingle Diſh of Meat, Fiſh or Eggs, with a Soup of Fleſh, or of Fiſh, and ſalt Meat, a Sallad, Cheeſe and Fruit. They are not allow'd to eat together, nor to partake of one another's Diſhes. And as to their Beds, they are only to have one plain Curtain, juſt for Convenience and Decency.

WHEN this Bull was read, the Archbiſhop of *Milan* read the Bull of the Articles which the Electors of the Pope were to ſwear to. The firſt was, that in ten Days Time, computing from the 8th of *November*, they ſhall enter the Conclave for the Election. 2. That they ſhall only have two Servitors a-piece, either Clergy or Laymen, at their own Choice. 3. That thoſe Domeſticks ſhall keep in the ſame Chamber, without any Partition or Curtain between them, except at Night when they are a Bed, and in the Day Time, when they lye down to reſt. 4. That when the Electors are enter'd into the Conclave, it ſhall be ſo cloſe ſhut up, that no body can go in or out of it, unleſs it be to go to the Privies; and that no Perſon without Doors ſhall be admitted to ſpeak to them, but with the Conſent of all the Electors. 5. That no Meſſenger nor Letter ſhall be ſent to them. 6. That there ſhall be one Window in the Conclave, by

(1) He had his See at *Avignon* towards the Middle of the XIVth Century.

(2) In the ſecond Council of *Lyons* in 1274.

which

1417. which the Diſhes ſhall be handed in to the Electors, and thoſe who attend them; but that this Window ſhall be ſo contriv'd, that no Perſon can get through it into the Conclave. The ſeventh Article contains the Regimen preſcrib'd to the Electors, the ſame as above. 8. That none of the Electors ſhall be compell'd by Force to enter into the Conclave, unleſs they all refuſe to enter, in which Caſe they ſhall all be compell'd to go in. 9. That when any Elector has a mind to come out, he ſhall have Leave: And if it happens that all go out before the Pope is choſen, they ſhall all be obliged to return to the Conclave, except thoſe that are ſick: But that he who ſhall go out for any other Cauſe than Sickneſs, ſhall not be admitted to return to it again, unleſs it happens that all go out. 10. That if he who goes out for his Health, or if the others that are abſent, return before the Pope is elected, they ſhall be admitted to deliberate on the then State of the Affair as it ſtands at their Arrival. The Keepers of the Conclave ſhall be obliged to ſwear that they will ſee all theſe Articles obſerv'd inviolably, but not to put any Conſtraint either upon the Cardinals, or the other Electors. And if it be neceſſary to appoint a greater Number of Keepers, they ſhall ſwear to the ſame Articles. In caſe the Emperor be preſent, he ſhall ſwear ſitting on his Throne, ſupported by two Cardinals.

WHEN all theſe Articles were read, the Names of thoſe that were choſen to keep the Conclave were call'd over. The Acts of *Leipſick* only mention fifteen of them, *viz.* the Elector of *Brandenbourg*; *William*, Count of *Henneberg*; *Philibert*, Grand Maſter of *Rhodes*; *Bruno de Scala*, Lord of *Verona*; *John Raymond Floch*, Count *de Cardona*; *Ferdinand Peter d'Ayala*, a Gentleman of *Caſtille*; *Martin Ferdinandi*, *Raymond Xatinat*, *Spaniſh* Gentlemen; *Berthold*, Count *des Urſins*; *Gonthier*, Count *de Schwartzembourg*; *Lewis*, Count *d'Ottingen*; *Humbert*, a Gentleman of *Savoy*; *Hugh*, Count *de Heiligenberg*; *Sanctius* and *Staniſlaus*, Gentlemen of the Embaſſy of *Poland*. The Acts of *Brunſwick* and *Gotha* mention twenty four Keepers of the Conclave, among whom there are Prelates, (particularly, the Archbiſhop of *Beſancon*, and the Biſhop of *Mersbourg*) Prothonotaries and Doctors; I apprehend that there is ſome Miſtake in this Liſt. After having thus call'd them over, the Articles that have juſt now been mention'd were read to them, both in *Latin* and *High Dutch*, to the end that they might ſwear to obſerve them. Tho' the Emperor be not in the Liſt of the Keepers of the Conclave, it ſeems, however, that he was to have been one of them, in caſe of Neceſſity, becauſe he ſwore to cauſe the ſaid Articles to be obſerv'd before two Cardinal Biſhops appointed to take his Oath. The Emperor ſat on his Throne while he laid his Hand on the Goſpels and Crucifix;

Crucifix; whereas the others took the Oath ſtanding before the Preſident of the Council, and laying their Hands in like Manner on the Crucifix and Goſpels. Afterwards the Oath was adminiſter'd to the Clergy who were appointed to examine the Proviſions, Diſhes and Glaſſes that were to be carry'd to the Conclave. Theſe were the Biſhop of *Concordia* and the Abbat *de Tormes* for the Cardinals; a Prothonotary for the *Italian* Nation; the Archbiſhop of *Beſancon* for the *French* Nation; the Biſhop of *Mersbourg* for the *German* Nation; an *Engliſh* Prelate for the *Engliſh* Nation; and the Dean of the Church of *Segovia* for the *Spaniards*. 1417.

AFTER this ſolemn Act, the aforeſaid Archbiſhop of *Milan* named thoſe who had, by the Council's Order, been aſſociated with the Cardinals for electing a Pope. We will firſt give the Liſt of the Cardinals, and then that of the Deputies of the Council. 'Tis plain there were but twenty three Cardinals in the Conclave, tho' ſome make them more, as *Trithemius*, who reckons up thirty two (1). *Bzovius*, who makes them twenty four, *Ciaconius* twenty eight, and others leſs, as *Gobelin*, *Perſona*, and ſeveral others who make them but twenty one. But all the Acts of *Germany* mention twenty three, whoſe Names are as follow, according to the Order in which they ſtand in the Acts of *Brunſwick*. 1. *John de Brogni*, a *Frenchman*, a Cardinal, Biſhop of *Oſtia* and *Veletri*, Dean of the Cardinals, and Vice-chancellor of the Church of *Rome*; 2. *Angelo de Anna*, Native and Biſhop of *Lodi*, Cardinal *de Paleſtrina*; 3. *Peter Ferdinand Vrias*, a *Spaniard*, Cardinal of *St. Sabina*; 4. *Jordan des Urſins*, a *Roman*, Cardinal of *St. Alban*, Grand Penitentiary; 5. *Anthony Corario*, a *Venetian*, Cardinal *de Porto*; thoſe five were Cardinal Biſhops; 6. *Francis Laudi*, a *Venetian*, Patriarch of *Conſtantinople*, Cardinal *de St. Croix*; 7. *John Dominic*, a *Florentine*, Cardinal of *St. Sixtus*; 8. *Anthony Pancerin* of *Friuli*, Patriarch of *Aquileja*, Cardinal *de St. Suſanna*; 9. *Alamand Adimar*, a *Florentine*, Cardinal of *St. Euſebius*; 10. *Gabriel Condumier*, a *Venetian*, Cardinal of *St. Clement*; 11. *Peter d'Ailli*, a *Frenchman*, Cardinal of *St. Chryſogonus*, known by the Name of Cardinal of *Cambray*; 12. *Thomas Brancas* of *Naples*, Cardinal of *St. Peter* and *St. Marcellinus*; 13. *Branda de Caſtillon*, a *Milaneſe*, Cardinal of *St. Clement*; 14. *Angelo Barbadico*, a *Venetian*, Cardinal of *St. Marcellin* and *St. Peter*; 15. *William Fillaſtre*, a *Frenchman*, Cardinal of *St. Mark*; 16. *Simon de Cramaud*, a *Frenchman*, Cardinal of *St. Laurence*, known by the Name of the Cardinal *de Poictiers*; 17. *Anthony de Challant*, a *Frenchman*, Cardinal of *St. Cecilia*; 18. *Peter de Foix*

(1) Undoubtedly 'tis an Error of the Preſs, for 23 *Trith. Chron. Hirſaug.* T. II. p. 357.

of

1417. of *Arragon*, Cardinal *de St. Stephen*; these were Cardinal Priests; 19. *Lewis de Fiesque*, a *Genoese*, Cardinal-Deacon of *St. Adrian*; 20. *Amadeus* of *Saluces*, Cardinal-Deacon of new *St. Mary*; 21. *Rainaud de Brancas*, Cardinal-Deacon of *St. Vite* and *St. Modestus*; 22. *Otho de Colonna*, a *Roman*, Cardinal-Deacon of *St. George*'s in *Velabro*; 23. *Lucido de Conti*, a *Roman*, Cardinal-Deacon of *St. Mary* in *Cosmedin*. *Ciaconius* adds *Lewis de Bar*, a *Spaniard*, Cardinal Bishop of *St. Rutre*; *Bandello de Bandellis* of *Lucca*, Cardinal Priest of *St. Susanna*; *James de l'Isle* of *Bologna*, Cardinal Deacon of *St. Eustachius*; *Peter Morosini*, Cardinal Deacon of *St. Mary* in the *Broad Way*. I am sure this Author is mistaken, and these are my Reasons for it. There appear'd to be but twenty three Cardinals in the foregoing Session, in which we don't perceive that any one absented on account of Sickness, or any other Cause, and, among those twenty three, I don't find *Peter Morosini*. But what is particular is, that *Ciaconius* himself reckons *Peter Morosini* among the absent Prelates. If so illustrious a Cardinal had been of the Conclave, he would infallibly have been put down in the List. He had been employ'd in very important Affairs under several Popes. *Alexander* V. had sent him into *Hungary* to assist the Emperor *Sigismond* with his Advice against the *Turks*. After his Return from that Embassy, which was unsuccessful, he went to *Constance*, where, 'tis said, he signaliz'd himself very much by his Zeal for the Union of the Church. As he was of *Gregory* XII's Obedience, he was united to the Council with the other Cardinals of the same Obedience. *Martin* V, when chosen, sent him to *Naples* to crown *Joan* II. He died in 1424. As for *Lewis de Bar*, I don't remember to have seen his Name in any one Session, tho' he was not so obscure a Cardinal as to be pass'd over. He was Son to *Robert* I. Duke of *Bar*, and of *Mary* Sister to *John* I, King of *France*, Brother to *Violante* (*a*), Queen of *Arragon*, and Cousin to the Emperor *Sigismond*. He was created by *Benedict* XIII, from whom he detach'd himself, and join'd to the Council of *Pisa*. He recogniz'd *Alexander* V, and afterwards *John* XXIII, who made him Bishop of *Porto*. If a Prelate of such Importance had been at the Council, surely the Acts would have mention'd him. I say the same of *James de Lisle*; to which I add, that as he was Legate at *Rome* on the Part of the Holy See, and Governor of that City, which was then exposed to the Invasions of the *Italian* Princes, he could not quit that Post to come to *Constance*; and *Ciaconius* numbers him too among the absent Prelates. As to *Bandello de Bandellis*; *Onuphrius*, and the Jesuit *Oldoin*, tell us, that he died in 1415.

*Ciacon ap. Mart.* V. p. 884.

*Eggs. Purpur. Doct.* p. 516.

*V. d. Hardt*, T. p. 378.

*Hist. Chron. d'Esp.* p. 383.

(*a*) *Yolanda*

*Ciacon. apud Benedic.* XIII. p. 740.

*Ciacon. ubi sup.* p. 772. *Onuphr. Pont. Max.* 275.

WE come now to the List of the Deputies of the Nations, which is as follows. The Patriarch of *Constantinople*, the Archbishop of *Riga*,

the Archbiſhop of *Bourges*, the Archbiſhop of *Gneſna*, the Archbiſhop of *Milan*, the Archbiſhop of *Tours*, the Biſhop of *London*, the Biſhop of *Cuenca*, the Biſhop of *Bath*, the Biſhop of *Badajox*, the Biſhop of *Geneva*, the Biſhop of *Meaux*, the Biſhop of *Feltri*, the Biſhop of *Dax*, the Biſhop of *Traw*, the Biſhop of *Litchfield*, the Biſhop of *Norwich*, the Biſhop of *Penna*, the Abbat *de Cluny*, the Abbat of St. *Mary*'s in *York*, the General of the Order of *Dominicans*, the Dean of *York*, the Archdeacon of *Bologna*, the Prior of *Rhodes*, and ſix Doctors of divers Nations. Afterwards it was propoſed to nominate two or three Deputies, on the Part of the Cardinals, to determine ſuch Difficulties as might ariſe among the Keepers in reſpect to the Conclave. I don't find, in my Acts, who thoſe Deputies were. They then proceeded to the reading of three other Decrees of the Council. The firſt forbad, by a perpetual Edict, the pillaging of the Houſe of the Cardinal elect, as had been the Cuſtom, in whatſoever Town the Election ſhould be made, on Pain of Excommunication *ipſo facto*, and of Deprivation of the Eſtates and Dignities of the Authors of ſuch Acts of Violence, and of an Interdict againſt the City where they ſhall be committed. The Pretext for theſe Acts of Violence was not a very bad one. It was this, that as the Perſon elected a Pope was, by that Means, arrived to Riches beyond Meaſure, he could no longer ſtand in need of any thing. We find, by this Decree, that they not only pillaged the Houſe of the Perſon elected, but alſo very often plunder'd the Houſes of ſeveral Cardinals, upon current Reports, or made Stories that they were elected (1). And ſometimes too the Houſes of all the Electors, and of all the Conclaviſts, were expoſed to theſe popular Inſults: The Council calls this Cuſtom *a wicked Audaciouſneſs and Preſumption.* The other Decree annull'd and made void all Proteſtations, Engagements, Oaths, *&c.* enter'd into already, or hereafter, by any Perſon whatſoever, againſt the Freedom of the preſent Election. The third ſuſpended all Buſineſs during the Election, except the Audiences of the Apoſtolical Chamber. All theſe Decrees were approv'd by a *Placet*, which the Preſident pronounced for the whole Aſſembly. The ſame Preſident declar'd afterwards, that the Decree which the Council had paſs'd concerning the Freedom of the City of *Conſtance*, ſhould have the ſame Force as if it had been now read. Publick Prayers were enjoin'd, and the City of *Conſtance* was declar'd a Place of Security and Freedom for the Election of a Pope. 1417.

(1) This was the Practice at *Rome* at the Election of *Urban* VI. The People thinking that the Cardinal *de St. Pierre* was choſen, went and plunder'd his Palace, *Hiſtory of the Council of Pisa*. Part I. p. 12.

1417. LXXXIX. THE ſame Day, about Four o'Clock in the Afternoon, all the Electors enter'd the Conclave. The Emperor was gone before to the Epiſcopal Palace, to which they were all to repair before they ſhut themſelves up. At their Arrival, he alighted from his Horſe, and received them at the Gate of the Palace with ſo many Marks of Reſpect and Devotion, that from many of them he drew Tears. When they were enter'd the Palace before the Cathedral, they all fell on their Knees; and, while they were in that Poſture, the Patriarch of *Antioch*, accompany'd by the Clergy, with the Croſs, and a great Number of Wax Tapers, born before them, went out of the Church, in his Pontifical Habit, and gave them his Bleſſing; after which they aroſe, and went to the Conclave. The Emperor was there firſt, taking each of the Electors by the Hand to lead them in, and earneſtly intreated them to chuſe ſuch a Man as they thought moſt worthy of the Triple Crown, without Partiality and Wrangling. They then enter'd the Conclave by Torch-light, the Day-light being ſhut out on all ſides. They each took but one Man to wait on them, though they were allow'd two a-piece; ſo that the whole Number of thoſe that were ſhut up in the Conclave amounted to one hundred and ſix. Being enter'd with the Emperor, he cauſed them all to be ſworn, that they would chuſe a Pope of Piety and good Manners, capable of reforming the Church, and one that would actually reform it. After the Oath was adminiſter'd, the Emperor went out, and the Conclave was lock'd up. All the Meaſures poſſible were taken for the Security of this Place. Two Princes, with the Grand Maſter of *Rhodes*, kept Watch at the Gate, Day and Night, with the Keys hung about their Necks; and upon the Steps there were ſix Soldiers, who were enjoin'd to ſo profound a Silence, that they were not heard to ſpeak. Before the Houſe where the Conclave was, a Table was placed, at which ſat the Biſhops and Doctors appointed to ſearch the Diſhes carry'd to the Conclave, for fear leſt ſome Letter, or ſeal'd Billets, ſhould be convey'd in the Diſhes or Cups. After this Search, the Grand Maſter of *Rhodes* carry'd the Diſh or Bowl, in which was the Meat or Drink, to the Window, and gave it to the Servant of him to whom the Veſſel belong'd, who, at the ſame Time, return'd back that in which any Meat or Drink had been brought to him before.

The Electors enter the Conclave to chuſe a Pope.

*Fr. Pipin, Theod. de Niem, Platina, &c.*

NEXT Day the Electors began it with Exerciſes of Devotion, in which the Cardinals *de Viviers* and *St. Mark* were the Miniſters that officiated, and by a Sermon, wherein the firſt of thoſe Cardinals exhorted the Fathers to have no View to any thing but the Publick Good. Devotion was as hot without the Conclave as within. A Proceſſion was made round it; the Relicks of the Saints were expoſed, and the *Veni Creator*, which is the Hymn of the Holy Ghoſt, was

...ory S.

was ſung upon the Knee, but ſo low, that it was no Interruption to the Conclave. After theſe Devotions were ended, they return'd to the Cathedral, to pray to God for a happy Iſſue. Mean time, let us ſee what paſs'd in the Conclave, as we have the Accounts from *Dacher*, a Writer of that Time, who was preſent at the Council, and was well inform'd of it by the Prothonotary of the Archbiſhop of *Gneſna*, who was in the Conclave with his Maſter. 1417

XC. IT had been agreed by the Council, that he who had two thirds of the Cardinals Votes, and of thoſe of the Deputies of each Nation, ſhould be own'd to be lawful Pope. They who enter'd the Conclave to attend upon the Electors, and who were Notaries, took the Votes ſeparately, and put them down in Writing. The two firſt Days they had much ado to agree, becauſe of the Diviſion of the Votes; for ſome had twelve, others nine, ſome ſix, and others four. According to the Report of *Bzovius* (*a*); the Cardinal *de Viviers*, a *Frenchman*; the Cardinal *Otho de Colonna*, a *Roman*; thoſe of *Saluces* and *Venice*; *John Bertrandi*, Biſhop of *Geneva* (1); and the Biſhop of *Chicheſter*, an *Engliſhman*, had the greateſt Number of Votes. A *Poliſh* (*b*) Hiſtorian tells us, that *Nicholas* Archbiſhop of *Gneſna* had likewiſe the Suffrage of the Majority of Cardinals, but that he gave all his Votes to the Perſon on whom we ſhall ſee preſently the Election fell. This is a Sign, by the way, that it was not deem'd an eſſential Point, whether the Pope was choſen out of the College of Cardinals. 'Tis true, that this Cuſtom had prevail'd a long time; but the Rule was not ſo general as not to be ſometimes liable to Exceptions, eſpecially when the Cardinals could not agree among themſelves in the Choice of one of their Collegues, as was the Caſe in 1305, after the Death of *Benedict* XI, when *Bertrand d'Agout* Archbiſhop of *Bourdeaux* was elected, by the Name of *Clement* V, tho' he was not a Cardinal. 'Tis alſo very plain, that the Cardinals of the Council, who had choſen the Anti-popes, and, by Conſequence, occaſion'd the Schiſm, ought not to have had any Share in the Election of another Pope, nor much leſs to have aſpir'd to that Dignity. This was the Opinion of *Gerſon*, and ſeveral others. Diſputes in the Conclave.

(*a*) *Ad ann.* 1417, num. iv.

(*b*) *Dlugoſs.* Lib. XI. p. 584.

*Spond. ad. ann.* 1305, n. 15.

As every one was for having a Pope of his own Nation, the Affair would have taken up a longer time, had it not been for the *Germans*, who, through the Suggeſtion of *Nicholas* Archbiſhop of *Gneſna*, and *John de Wallenrodt* Archbiſhop of *Riga*, did, for Peace ſake, lay aſide their Aim of having a *German* Pope, and recall'd the Suffrages they had given in favour of a Prelate of that Nation. The *English*

(1) It does not appear that he was a Cardinal any more than the Biſhop of *Chicheſter*.

1417. follow'd their Example, to the great Satisfaction of the *Italians*, for whom the *Germans* had thus pav'd the Way. The *French* and the *Spaniards* were the only Nations that ſtood out. The *Germans* and the *Engliſh* propoſed to them to do as they had done; but they did not find them ſo tractable. *France* and *Spain* ſtrenuouſly maintain'd their Pretenſion to have a Pope of their own Country, and even ſupported it from ſeveral Reaſons, which are not mention'd. But the *Germans* and *Engliſh*, who had ſacrificed, and, as one may ſay, laviſh'd their Right for the ſake of Peace, declar'd, that they would let all the World know, both by Word of Mouth and Writing, that the *Spaniards* and the *French* were the Diſturbers of the Peace and Union.

*Otho de Colonna* is choſen Pope. His Character.

XCI. THIS Diſpute held on the 10th till late at Night. At length the Prayers of the *Germans* were heard, between Ten and Eleven o'Clock in the Forenoon. The Emperor, the Princes, and the Clergy were, as uſual, at the Door of the Conclave, ſinging the *Veni Creator* with great Devotion. The Electors, on the other hand, were aſſembled in a Chapel, which had been prepar'd in the Conclave for performing Divine Service; when, all on a ſudden, thoſe of the *German* Nation addreſs'd themſelves to all the reſt in theſe Terms. *We are here all met together in the Name of the moſt Holy Trinity; and behold the Holy Spirit is operating to unite us.* Then, as if they had been inſpired from Heaven, they all agreed in Favour of *Otho*, or *Eudes de Colonna*, Cardinal-Deacon of St. *George*, *au voile d'Or*, who, in Memory of St. *Martin de Tours*, whoſe Feſtival was celebrated on that Day, choſe to be call'd *Martin*. This was but the third Pope who had taken that Name, though, according to a Note of *Raynaldus*, and ſeveral others, *Otho de Colonna* is commonly call'd *Martin* V, becauſe the Name of *Martin* had been given by Miſtake to two Popes of the Name of *Marin*. This Pope was a *Roman*, of the moſt noble and ancient Family of the *Colonnas*, which has produced a conſiderable Number of great Men and Heroes of every Character. There have been of this Family Popes, Kings, and, as ſome ſay, Emperors, which, however, I will not vouch. Cardinal *John de Colonna* made his Family very illuſtrious in the Beginning of the thirteenth Century, and, as 'tis ſaid, ſignaliz'd himſelf not a little by a Voyage he made to the Holy Land in Quality of Legate from *Honorius* III. If we may depend upon Father *Claude de Molinet*, in his *Medallic Hiſtory of the Popes*, this Cardinal brought the Column to which our Lord Jeſus Chriſt was bound and whipp'd, from *Jeruſalem* to *Rome*; and ever ſince, *ſays he*, the *Colonnas* have been permitted to bear a Pillar in their Arms. But Father *Bonanni*, a Jeſuit, in another *Medallic Hiſtory of the Popes*, which he cauſed to be printed at *Rome* in 1699, has plainly diſcover'd that Father *Molinet* was miſtaken, by an Inſcription

Nov. 11.

*Raynald ad ann.* 1427. n. ii.

*Molinet ad Mart.* V. p. 1

Inſcription at *Rome* in the Church of St. *Praxede*, which was the Title aſſumed by the Cardinal *John de Colonna* (1). This Inſcription only proves, that *John de Colonna* had render'd his *ancient Name* illuſtrious, and immortal, by bringing over the pretended *Pillar of Jeſus Chriſt*; and indeed the ſame Jeſuit proves, by good Authorities, and without having Recourſe to any Chimera, that there had been a Pillar in the Arms of that Family ſeveral Ages before *John de Colonna*. Here we muſt not omit what is reported by *Bonanni*, *viz.* that in 1328 the Emperor *Lewis* of *Bavaria* added to the Arms of this Family a Crown of Silver placed at the Top of the Column, in acknowledgment to *Sciarra de Colonna*, who crown'd the ſaid Emperor in ſpite of *John* XXII. Though theſe Facts are pretty well clear'd up in the Work that I have mention'd, yet there is more Streſs to be laid upon what all Hiſtorians tell us of the great Quarrels between the *Colonnas* and *Boniface* VIII. who excommunicated the whole Family in the Lump to the fourth Generation. But they were afterwards releaſed by *Benedict* XI. and *Clement* V, chiefly in regard to the King of *France*, whoſe Party they had eſpouſed againſt *Boniface*. The *Colonnas* ſignalized themſelves in the following Ages by great Actions; and the Quarrels which they had ſometimes with the Popes, and at other times with the Emperors and Kings, were a very authentick Demonſtration of the Grandeur and Power of this Family. 1417.

To return to *Martin* V. He was the Son of *Agapetus de Colonna*, ſtil'd a *Roman* Prince, whom *Urban* VI. made a Cardinal in 1378. As to *Otho*, the Son of *Agapetus*; he paſs'd through various Eccleſiaſtical Dignities, under ſeveral Princes. He was Referendary in the Reign of *Urban* VI, a Nuncio in *Italy* in that of *Boniface* IX, and was, at length, created a Cardinal by *Innocent* VII. in 1405. After this Pope's Death, he was attach'd to *Gregory*'s Party, till the ſaid Pope was depoſed by the Council of *Piſa*, which laid him under a Neceſſity to abandon him, for fear of incurring the Pain of Excommunication. He aſſiſted in the Election of *Alexander* V. at *Piſa*, and in that of *John* XXIII, who appointed him Legate in *Umbria*. He was as much attach'd to this Pope as he had been to *Gregory* XII; for he was one of the firſt that fol-

(1) Joanni *tit.* Sanct. Praxedis, *Cardinali* Columnæ, quòd Apoſtolus Legatus in Oriente Anno Salutis 1223. Columnam Chriſti Domini pœnis & ſanguine conſecratam Hieroſolymis Romam adportaſſet, patriamque ſpolia Orientis nobiliſſimo trophæo Chriſti patientiæ amplificaverit *Franciſcus Columna*, Carboni ni & Rubi mani Princeps, re gentilis ſui de Chriſtiana Republica deque Columnenſi gente cui vetus cognomentum fuerat, egregiè fecit, meriti memoria aboleretur ad poſteros, monumentum poſuit an. 1645 Bonanni Num *Pont* T I p. 71

low

1417. low'd him after his Escape, and one of the last that return'd to *Constance*. But it must be supposed, that of all the Cardinals of so wicked a Pope as *John* XXIII, *Otho de Colonna* was the best, because the Election fell upon him. The generality of Authors, indeed, agree in saying much Good of him. He was learned, especially in the Canon Law, which he had taught while he was a Youth at *Perusa*. *Platina*, who lay by the Way, is not very lavish of his Incense to Popes, has commended his Prudence, good Nature, his Love for Justice, moderated with Equity, and his Dexterity in the Management of Affairs and Tempers. He says, that when he was made a Cardinal, it was so far from changing his Manners, that it made him only the more affable, and the more industrious to render himself agreeable to all Mankind by his Integrity and winning Behaviour. He even adds, that when the Election of a Pope was in Dispute at *Constance*, he discover'd so great a Disinterestedness, an Attention so entirely bent to the Reconciliation of Animosities, and a Zeal so impartial for the Publick Good, that the Emperor and the whole Council looked upon his Election as the Workmanship of Heaven. Nevertheless, some Authors living at that Time, who were Witnesses of his Conduct, do not give a Character of him altogether so advantageous. *Leonard Aretin*, who had been a Secretary of the Popes for many Years, and could not but thoroughly know the Characters of the Cardinals, says, that *Martin* V, before he was a Pope, did not discover much Penetration, and that he appear'd very *debonnaire*; but that he afterwards undeceived Mankind in the Opinion they had entertain'd of him, by his extraordinary Sagacity, and that he was not over and above good-natur'd. *Windeck*, one of *Sigismund*'s Privy-Counsellors, says, in his History of the said Emperor, that the Cardinal *Otho de Colonna* was poor and modest, but that Pope *Martin* V. was very covetous and extremely rich (*a*).

(*a*) *Apud* V. d. *Har.* T. IV. 1483

As *Martin* V. had his Faults, so it must be own'd he had many good Qualities, especially as the Times then stood. The Zeal which he had discover'd against *John Hus* when he was a Cardinal, was no small Recommendation of him to the Council. But 'tis hardly to be doubted that the Credit of several *German* Princes, that were of the *Colonna* Family, contributed very much to favour the Election of this Cardinal. 'Tis said, that the Elector of *Brandenbourg* was of this Family; and indeed *Martin* V. values himself upon it, in a Letter which he wrote in 1424 to *Ladislaus Jagellon* King of *Poland*, upon the Marriage Treaty betwixt *Hedwiga*, this King's Daughter, and Prince *Frederick* of *Brandenbourg*, who succeeded his Father in the Electorate in 1430. *Dlugos* has inserted the Letter at large in his History of *Poland*. I shall here

*Dlugos. Hist. Pol.* Lib. XI. p. 480.

here only give ſo much of it as relates to the Fact in Queſtion (1). *By this Marriage*, ſays *Martin* V, *you have made an Affinity with Us and the Family of* Colonna *from which we are deſcended. For we have been inform'd, by a very old Tradition, that our Family of* Colonna, *and that of the Burgraves of* Brandenbourg, *which is alſo ſaid to be* Roman, *are deſcended from one and the ſame Stock.* 'Tis computed that *Otho de Colonna* was about fifty Years of Age when he was choſen Pope. 1417. *Spond ad an.* 1417. n. viii.

(1) Nos quoque cum noſtra Proſapia de *Columna* ex qua carnaliter nati ſumus, obſtrinxiſti adfinitatis vinculo. Nam ſicut ab antiquis accepimus, qui priſcam Originem noſtram per manus traditam ab antiquioribus retulerunt, noſtra de Columna Romana, & præſentium Burgrabiorum Norimbergenſium Domus, quæ etiam Romana fuiſſe dicitur, ab eodem ſtipite derivatæ ſunt. Ex quo cùm eſſemus antea Serenitati tuæ affecti propter merita & officia tua in populum Chriſtianum, eſſe nunc debemus & erimus, accedente vinculo adfinitatis, cum Excellentia tua magis conjuncti, & ad honorem Celſitudini tuæ exhibendum inclinati, qui ſimul cum Brandeburgenſi noſtram quoque Proſapiam Illuſtribus & Regalibus nuptiis honoraſti —— *Datum Romæ apud Sanctos Apoſtolos quinto Calendas Junii Pontificatus noſtri anno ſeptimo.*

*The End of the* FIFTH BOOK.

THE

THE

# HISTORY

OF THE

# COUNCIL of *CONSTANCE.*

## BOOK VI.

### The CONTENTS.

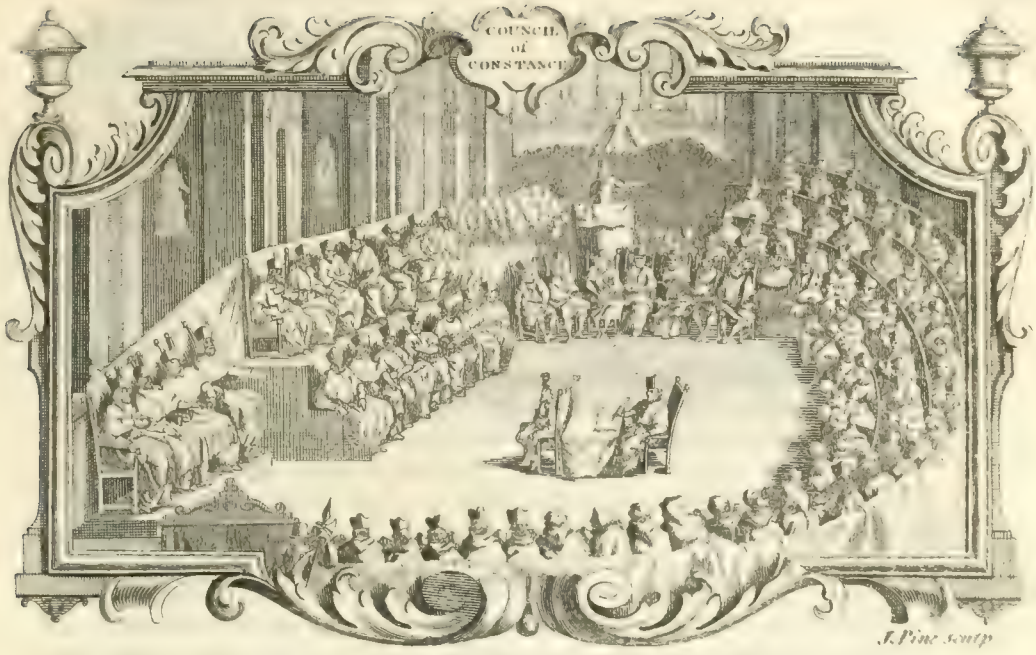
I. *The Emperor proſtrates himſelf at the Pope's Feet.* II. *The Pope is inthron'd.* III. *His Ordination.* IV. *His Conſecration.* V. *His Coronation.* VI. *The Jews call upon the Pope for Protection.* VII. *Privileges granted to Abbats.* VIII. *The Pope notifies his Election over all Chriſtendom.* IX. *The Elector Palatine congratulates the Pope.* X. *Letter from* Martin V. *to the Univerſity of* Cologne. XI. *The Pope cauſes Rules of Chancery to be drawn up.* XII. *Aſſembly of the Nations to deſire the Pope to reform the Church.* XIII. *Ambaſſadors from the King and Queen of* Naples. XIV. *Funeral Obſequies of* Gregory XII. XV. *The Pope's firſt Conſiſtory.* XVI. *A Tournament.* XVII. *An Aſſaſſination committed at* Conſtance. XVIII. *Indulgences granted by the Pope.* XIX. Maurice *of* Prague's *Treaty againſt the Communion in both kinds.* XX. *The* FORTY SECOND SESSION. XXI. *The Emperor creates a Knight.* XXII. *The Pope recogniſes* Sigiſmond *for King of the* Romans.

mans. XXIII. *Memorial of the* Germans *for the Reformation.* XXIV. *The* French *apply to the Emperor to desire him to engage the Pope to reform the Church.* XXV. *The* Spaniards *press for the Reformation.* XXVI. *Satyr of the* Spaniards *against the Pope.* XXVII. *The Pope lays a Plan for the Reformation before the Nations.* XXVIII. *The Affair of the Reservations.* XXIX. *Of the* Annates. XXX. *Of the Causes which are to be try'd at the Court of* Rome. XXXI. *Of the Exemptions and Unions made during the Schism.* XXXII. *Of* Commendams. XXXIII. *Of the intermediate Revenues, or those of vacant Churches,* &c. XXXIV. *In what Cases the Pope may be corrected or deposed.* XXXV. *Against Simony.* XXXVI. *Of Dispensations.* XXXVII. *Of incompatible Benefices.* XXXVIII. *Of the Maintenance of the Pope and Cardinals.* XXXIX. *Of Indulgences.* XL. *Of the Tenths.* XLI. *Two of* Benedict's *Cardinals send to* Constance. XLII. *The Emperor sends Ambassadors to sundry Places.* XLIII. *The Council sends a solemn Embassy to* Benedict. XLIV. *An Embassy from the* Greek *Church to the Council.* XLV. *Privileges granted by the Pope to the King of* Poland. XLVI. *Conquests of the King of* Portugal. XLVII. *The Popes contracts with the* Germans *and* English. XLVIII. John de Falkenberg. XLIX. *Twenty four Articles of the Council against the* Hussites. L. Jacobel's *Sentiment concerning the Eucharist.* LI. Martin V's *Bull against the* Hussites. LII. *Remarks on that Bull.* LIII. *The Pope's Letter to the great Men of* Bohemia. LIV. *The Pope sends a Legate to* Bohemia. LV. *The Emperor returns from* Basil. LVI. *The Pope presents the Golden Rose to* Sigismond. LVII. Martin V. *declares that 'tis not legal to appeal from the Pope's Judgment.* LVIII. Gerson *confutes the Pope's Constitution.* LIX. *The* FORTY THIRD SESSION. LX. *Remarks upon that Session.* LXI. *The Pope celebrates Holy Thursday.* LXII. *Arrival of divers Ambassadors.* LXIII. *The Pope sends away Legates to* France. LXIV. *The Condemnation and Recantation of Frier* Grabon. LXV. *Cardinal of* Cambray's *Opinion upon* Grabon's *Propositions.* LXVI. Gerson's *Sentiment upon the same Subject.* LXVII. Frederick *of* Austria's *Reconciliation with the Emperor.* LXVIII. *Abjuration of certain* Hussites. LXIX. *The* FORTY FOURTH SESSION. LXX. *Sundry Constitutions of* Martin V. LXXI. *The Pope permits the Bishop of* Liege *to marry.* LXXII. *The* FORTY FIFTH SESSION. LXXIII. *The Bull for dismissing the Council.* LXXIV. *The Emperor takes leave of the Council.* LXXV. *Remarks upon this Session.* LXXVI. *The King of* Poland's *Letter to* Martin V. LXXVII. *The Emperor returns to* Zurich. LXXVIII. Martin V's *Agreement with the* French. LXXIX. *The*

LXXIX. *The Pope grants to the Emperor one Year's Tenths upon the Clergy of* Germany. LXXX. *The Pope makes Proclamation of his Departure.* LXXXI. *The Pope quits Conſtance.* LXXXII. *Departure of the Emperor and ſeveral Ambaſſadors.* LXXXIII. *Apology for the Emperor.* LXXXIV. *The Concluſion of the Council.* LXXXV. *Situation of the Affairs of* Europe, *and the State of the Church.*

Place this before Book VI.






# The HISTORY of the COUNCIL of CONSTANCE.

## BOOK VI.

I.  *MARTIN* V. was no ſooner elected, but one of the Officers of the Conclave made a Hole in the Wall, and cry'd out aloud, *We have a Pope, and* Otho de Colonna *is he.* At this good News, which was receiv'd with great Acclamations, all the People crowded about the Theatre (1), crying out, *God bleſs* Otho de Colonna. The Emperor himſelf, without Loſs of Time, and without any Regard to his Dignity (as the Writers of that Age expreſs'd it) entering into the Conclave, fell proſtrate, in an humble Manner, before the Pope, to kiſs his Feet, and thank'd the

1417. The Emperor falls proſtrate before the Pope.

*Plat'na* and *Naucler*, *Reichenthal*, *V. d. Hardt*, *ubi ſup.*

(1) *Dacher* ſays, there were no leſs than eighty thouſand of both Sexes. *V. d. Hardt*, T. IV.

Electors

1417. Electors for having made so good a Choice. The Pope, on his Part, embrac'd him like a Brother, and thank'd him for the Zeal which he had so effectually employ'd for restoring Peace to the Church. It may naturally be supposed, that the Pope was transported at this Step of the Emperor, which the Historians of that Time thought too precipitant. The Emperor had nothing more to do than to improve a Conjuncture so favourable for restoring himself to the Possession of the Right which his Predecessors had, though it had by some been neglected, of confirming the Popes before their Consecration and Coronation: But undoubtedly *Sigismond* chose to make this Sacrifice to the Peace of the Church, and it must be supposed that he did not do it so much from Pusillanimity as from Greatness of Soul.

The Pope is seated on the Throne.

II. As soon as ever the News of the Election had been proclaim'd, all the Company were dismiss'd; and Notice was given that in the Afternoon they might repair to the Cathedral to see the Pope *inthron'd*. They all came at the appointed Hour. The Council never appear'd with so much Splendor as on that Day. The Emperor, the Princes, the Nobility, the dignify'd and inferior Clergy, the Magistrates, the Canons, the several Colleges of the City of *Constance*, and its principal Inhabitants, repair'd thither; not to mention the Populace, of which the Multitude was so incredible that the Assembly could not be form'd till Night. Then the whole Council walk'd in Ceremony to take up the Pope, and carry him to the Cathedral: A white Horse was provided for him with red Trappings, which walk'd in the same Rank as if the Pope had been upon his Back, that is to say, immediately after the Clergy, and before the Emperor, who was at the Head of the Laity. The Emperor and the Elector of *Brandenbourg* went to take up the Pope at the Conclave, from whence he came out, accompany'd by his Electors, who were so pale and so disfigured, that they were not easily to be known. The Pope mounted his Horse, while the Emperor (1) on the Right, and the Elector *Palatine* on the Left, held the Reins of his Horse's Bridle (2). The Pope, on his Part, gave them his Hand, with his Blessing, which he pronounced at the same Time upon all the Prelates, Princes, and all his Electors, as far as he was able to extend his Hand. The whole Company was on Foot in long Cloaks, except the Pope, whom at last, after a very tedious March, they conducted to the Cathedral. *Lewis*

(1) The Popes had, for a long time, accustom'd themselves to receive this extraordinary Honour from the Emperors and Princes. *Platina* informs us, that the Emperor *Lewis* II. paid it to *Nicholas* I, in the IXth Century; and, according to the Report of *Du Chesne*, in his *History of the Popes*, T. II. p. 1461, the Emperor *Charles* IV, Father to *Sigismond*, did the same Honour to *Urban* V.

(2) This seems to be a Mistake, by confounding the Elector *Palatine* with the Elector of *Brandenbourg*, as we shall see by and by.

of *Bavaria* of *Ingolstad* took this Opportunity to fall on his Knees, and implore the Pope's Protection and Justice against *Henry de Landshut*, who had made an Attempt to assassinate him (1). *Lewis* repeated the same Reproaches before the Pope, and the same Charges which had provok'd *Henry*'s Indignation against him in the Assembly of the States. But the Pope only gave him his Blessing, and the Emperor order'd him to retire, and not to molest the Publick Joy by ill-tim'd Complaints. When the Pope was enter'd in the Church, the Cardinals placed him upon the high Altar, where he was ador'd in the midst of the publick Acclamations, which were accompany'd with the Sound of Musical Instruments. After the singing of *Te Deum*, the Pope gave his Benediction to the People, and went from the Church to take Possession of *John* XXIII's Apartment in the Episcopal Palace. At the same Time, all the Officers of the Court, and of the *Roman* Chancery, that had serv'd under *John* XXIII, met there again to acknowledge *Martin*, and to receive his Orders. 1417.

III. NEXT Day, which was *Friday*, he was ordain'd Deacon, at least, according to an old Chronicle, and, according to the Relation of *Dacher* and *Reichenthal*, who were present at the Ceremony, and who are more to be depended on than other Authors who do not mention the said Ordination. On *Saturday*, which was the 13th, he receiv'd Priest's Orders, and next Day, being *Sunday*, he was consecrated Bishop; all which was done by the Cardinal *de Viviers*, Bishop of *Ostia*, Dean of the Cardinals, and Vice-chancellor of the *Roman* Church. We have already made Mention of this Right annex'd to the Bishops of *Ostia*, but did not account for the Origin of it; which *Anastasius*, the Librarian, traces as far backwards as the IVth Century; when he says, this Privilege was confer'd on the Bishops of *Ostia* by Pope *Mark*. As soon as *Martin* V. had been ordain'd Bishop, he celebrated his first Pontifical Mass, at which were present one hundred and forty mitred Prelates. On the 15th, all the Clergy paid their Homage to him, as did the Emperor and the secular Princes on the Day following; and on the 17th he received the same Homage from the benefic'd Monks and Mendicants.

The Pope's Ordination. *Nov.* 12. MS *Salernit. ap. V. d Har.* T. IV. p. 1486. *Reich.* fol. 29; *Nov.* 13. *Nov.* 14. *Bonanni Numism. Pont.* T. I. p. 11. *Nov.* 15. *Nov.* 16. *Nov.* 17.

IV. AFTER the Pope had been thus recognis'd by every body, nothing remain'd but to consecrate and crown him, which was perform'd upon *Sunday* the 21st. This Consecration was not always a mere Ceremony, as it was then. Formerly it was the Act of Consecration that constituted the Popes, and not merely the Election; and therefore if a Pope elect died before he was consecrated, as happen'd to *Stephen* II. in 752, he was not reckon'd in the Number of the Popes. But 'tis pretended, that, in the XIth Century, *Nicholas* II. declar'd

The Consecration of the Pope *Nov.* 21. *Mansolier* of the Origin of the Tenths, p. 83, 84.

(1) As was observed in the LXXXIst Article of the preceding Book.

1417. declar'd, that if he who had been chosen Pope could not be crown'd by reason of Wars, or from any Impediment raised by his Enemies, he should nevertheless govern the Church of *Rome*, and dispose of his Revenues, as a true and lawful Pope. The Author, from whom I have had this Particular, adds, that nevertheless there are some Marks of the old Custom still remaining. 'For, *says he*, if it happens that the 'Pope elect makes a Bull before his Coronation, he does not date it 'in the first Year of his Pontificate; but the Form is to put down 'the N. Day since We were advanced to the Apostolical Ministry. 'There are also, *continues he*, some ancient Authors, who are of 'Opinion that the Pope, before his Coronation, cannot assume the 'Quality of Bishop, and that he cannot make any Bull. And when '*Clement* V. attempted it, he met with great Opposition: Which 'oblig'd him to forbid the discussing of any more such Questions for 'the future, on Pain of Excommunication, by an express Bull, dated 'in the Year 1306.' *M. Marsolier* does not say who those ancient Authors are, but their Pretension seems groundless. *Clement* IV. was elected the 5th of *February*, 1265, and consecrated on the 22d; yet on the 12th he dispatch'd a Bull, *dated at* Perusa, *the 2d of the Ides of* February, *in the first Year of our Pontificate*, which was ten Days before his Consecration. *John* XXII. was elected on the 6th of *August*, 1316, and consecrated on the 5th of *September*; yet, on the 13th of *August*, he dispatch'd a Bull, *dated at* Avignon, *the Ides of* August, *in the first Year of our Pontificate. M. des Vignoles*, a Member of the Royal Society of *Berlin*, has assured me, that in the Records of the Chapter of *Brandenbourg* he saw a Bull of *Boniface* IX, *dated at* Rome, *the 5th of the Ides of* November, *in the first Year of the Pontificate*, that is to say, on the 9th of *November*, 1389, and two Days before his Coronation, which was not till the 11th, though he had been chosen upon the 2d of that Month. Pope *Martin* himself, the very next Day after his Election, that is to say, eight or ten Days before his Consecration, sent a Legate (1) to *Arragon*, there to notify his Election, and to give the finishing Stroke to the reducing of *Peter de Luna*. 'Tis true, the Historian says, it was by the Council's Approbation.

To return to the Ceremony of the Consecration: Two Chairs were provided in the Cathedral for the Pope; the one in the Middle of the Church, near which there was a Table set with twelve Wax Tapers upon it, with the Sacrament of the Eucharist, Oil, and several Bundles of Tow: The other Chair was placed near the high Altar, where was also a Table with four Wax Tapers on it, two Loaves made of the finest Flower, and two little Bottles full of Wine.

(1) The Name of this Legate was *Bernard* of *Bourdeaux*. *Surit. ap. Bzov.* and *V. d. Hardt*, T. IV. p. 1486.

All

All Things being thus prepar'd, at Midnight all the People were call'd to the Church by the tolling of the Bells. The Emperor, the Electors, the Princes, and all the Nobility, repair'd thither, as well as the Cardinals, Patriarchs, Archbiſhops, Biſhops, and all the Clergy. When the Aſſembly was compleated, the Church was ſhut, and *Martin* V. went up to the Choir, where the Cardinal of *Oſtia* celebrated the Maſs; after which, *Philip Malla*, an *Arragoneſe* Doctor, preach'd a Sermon upon theſe Words, *Him that overcometh, will I make a Pillar in the Temple of God*; and theſe that follow, *And there appear'd a great Wonder in Heaven, a Woman cloathed with the Sun, and the Moon under her Feet, and upon her Head a Crown of twelve Stars*, alluding to the Name of *Colonna*, which was that of the Pope elect; and to *Peter de Luna*, that was depoſed; and to the twelve Catholick Kings, who were either at the Council, or elſe had their Ambaſſadors there to repreſent them, *viz.* the King of the *Romans*, who was alſo King of *Hungary*; the Kings of *France*, *Arragon*, *Caſtile*, *Navarre*, *Portugal*, *Poland*, *Bohemia*, *England*, *Denmark*, *Sweden* and *Naples*. *Bzovius*, who mentions this Circumſtance, obſerves, that the Preacher did not include the Kings of *Trebiſond* and *Cyprus* among the Stars of the Council, tho' they had Ambaſſadors there; becauſe the firſt was of the *Greek* Church, and, by conſequence, a Schiſmatick; and becauſe no Protection could be expected from the other, who had the *Turks* upon his Back one way, and the *Genoeſe* another. After the Sermon, the Pope was placed in the Chair before the Table upon which the Bread and Wine was ſet the Night before. There he was anointed with Oil, and a Tiara of white Ribband was placed on his Head. Upon the Altar, which was illuminated with ſeveral Wax Tapers, a great many Relicks were expoſed, the triple crown'd Mitre, with a Croſs on the Top of it, and another white Crown not ſo coſtly. After ſome Litanies were ſung, both in *Greek* and *Latin*, the Pope was conducted from the Choir to the Middle of the Church, under a white Canopy, ſupported by the Cardinals, the Pope having ſo large a Volume upon his Back and Neck (1), that he walk'd quite double. When he was in the Middle of the Church, a certain Biſhop, who is not nam'd, came to him with the lighted Tow burning at the End of a Stick, which being conſum'd in an Inſtant, the Biſhop ſaid to the Pope: *Thus, Holy Father, vaniſheth the Glory of the World.* To which he made Anſwer, *God be praiſed.* Then the Pope having ſaid Maſs, and read ſome Texts of Scripture in *Greek* and *Latin*, received the Communion from the Hands of the Cardinal *de Viviers*, and return'd to the Epiſcopal Palace, where he was to be 1417.

(1) What this Volume was the Acts do not ſay. *V. d. Hardt*, T. IV. p. 1488.

1417. crown'd. An *English* Historian (*a*) says, that before this Ceremony a solemn Procession was made at Day-break.

(*a*) *Walsingham.*

IF my Accounts are exact, this Ceremony was perform'd at *Constance* somewhat differently from what it had been at *Rome* for many Ages. For Example, in the Relations of *Dacher* and *Reichental*, Mention is only made of two Chairs, one before the Altar, and the other in the very Body or Nave of the Church; whereas other Accounts of the Consecration of the Popes speak of four Chairs in which the Pope sat during the Act of his Conseration. Perhaps the Reader will not be displeased to find here the Description of the Consecration of a Pope by the Cardinal *Rasponi*, in his Book of the *Lateran* Church, as Father *Bonanni* has quoted it in his *Medallic History of the Popes* (*b*). 'Before the Use of the Conclave was introduced by *Gregory* X, *says Cardinal* Rasponi, the Cardinals, three Days after the 'Funeral Obsequies of the deceased Pope, repair'd to the *Lateran* 'Church, where, after the Invocation of the Holy Ghost, and the 'Celebration of Mass, they proceeded to the Choice of a Pope. 'When the Election was ended, the first Cardinal-Deacon invested 'the Pope elect in his *Pontificalibus* (1), and declar'd the Name 'that he had a mind to take. Then two of the Cardinals most 'eminent in Dignity, the one on the Right, and the other on the 'Left, led him to the Altar, where he prostrated himself in Adoration of God during the singing of *Te Deum*. After the *Te Deum*, 'the Cardinals conducted the Pope to a Chair of Marble (2), which 'was behind the Altar under a sort of Dome or Arch; where the 'Pope being seated, admitted the Cardinals, Bishops, and some others, 'to kiss his Feet, and to salute the Pax. Then the Pope rising out 'of the Chair, the Cardinals conducted him through the Piazza to 'another Chair, which was call'd *Stercoraria* (3), which was formerly placed before the Piazza of the Patriarchal Church, but is now 'in the Cloyster of it. He was placed in this Chair, and these 'Words of Scripture were sung to him by the Choir of Musick (4); '*He raiseth up the Poor out of the Dust, and lifteth the Needy out of 'the Dunghil, that he may sit him with Princes, even the Princes of 'his People*, in order to inspire the Pope with the Virtue of Humility, 'which ought to be the first Step of his Grandeur. After having sat a

(*b*) Tom. I. p. 11, 12

(1) *Veste complumata auro distincta.*

(2) *Ad sedem marmoream sub apside stantem.* As to these Chairs, see *Mabillon Iter. Ital.* Part I. p. 58.

(3) *Stercorariam*, or the *Groping Chair*, so call'd from its being bored like a Close-stool. The Use of these Chairs was abolish'd by *Leo* X.

(4) *Suscitat de pulvere egenum, & de stercore erigit pauperem, ut sedeat cum Principibus, & solium gloriæ teneat*, Ps. cxii. 6, according to the Vulgate. The last *Latin* Words, which signify, that *he may sit on the Throne of Glory*, are not in the Psalm

'while

1417.

'while in this Chair, the Pope receiv'd from the Hands of the 'Chamberlain three *Deniers*, which he threw among the People, ut- 'tering these Words, *Silver and Gold have I none for my Pleasure* (1), 'but such as I have, give I thee. Then the Prior of the *Lateran* 'Church, and one of the Cardinals, or one of the Canons of that 'Church, took the Pope between them, and, while they walk'd in 'the Piazza, Acclamations were made near the Church, and the 'Election was declar'd, with the Name which the Pope had chosen. 'Thus the Pope was led to the Church of St. *Sylvester*, where, be- 'ing seated in a Chair of Porphyry (2) before that Church, the 'Prior thereof put a *Ferula* into his Hands, as an Emblem of Cor- 'rection and Government, and the Keys to denote the Power which 'God gave to St. *Peter*, Prince of the Apostles, to open and shut, to 'bind and loose, and which was to descend by Succession to all the '*Roman* Pontiffs. From thence the Pope, having the *Ferula* and the 'Keys in his Hands, went and sat in another Chair like the for- *Prior gives* 'mer, and, after having stay'd there some time, he restor'd the *Fe-* *him.* 'rula and Keys to the Prior, who put a Girdle about him of red 'Silk, and gave him a Purse of the same Colour and Stuff, in which 'were twelve precious Stones, and a little Piece of Musk. *Onuphrius*, 'in his Treatise of the *Lateran* Church, says, these Things were gi- 'ven to the Pope by the Prior of that Church. The being seated in 'the two Chairs denoted the Primacy which St. *Peter* conferr'd upon 'him, and the Power of preaching the Gospel granted him by St. '*Paul*; the Girdle denoted Continence and Charity; the Purse was 'an Emblem of the Treasure out of which the Poor were to be fed; 'the twelve precious Stones signify'd the Power of the twelve Apo- 'stles, which resides entirely in the Pope; and lastly, the Musk re- 'presented the Fragrancy of good Works, according to that Saying, '*We are a sweet Savour of Christ*. In this same Chair, the Pope 'elect admitted the Ministers of the Palace to kiss his Feet, and 'salute the Pax; and there also he took from the Chamberlain's 'Hands Pieces of Money, to the Value of ten Pence, and threw 'them among the People three times, uttering these Words, *He* [illegible] 'hath dispersed, he hath given to the Poor; *his Righteousness endureth* 'for ever. All this done, on the Sunday following the Pope elect went 'with all the Orders of the sacred Palace and the chief Men of the 'City, to the *Vatican* Church, and there, before St. *Peter*'s Con- 'fession (3), he was solemnly consecrated by the Bishop of *Ostia*, 'to whom that Office specially appertaineth. After this Function,

(1) *Ad delectationem.* These were not [illegible] 'Peter's Words.

(2) *In Sede Porphyretica.*

(3) *Ante Confessionem sancti Petri.*

1417. 'the Archdeacon and the second Deacon gave the *Pall* (1) to the 'Pope, the Archdeacon pronouncing these Words, *Receive the Pall, 'which is the Fullness of the Pontifical Office, to the Honour of Almighty 'God, the most happy Virgin his Mother, the blessed Apostles St.* Peter *'and St.* Paul, *and of the holy* Roman *Church.*'

AFTER this Description, the Cardinal *Rasponi* adds these Words: 'So much for what was transacted when the Pope was declar'd or 'proclaim'd (*a*) in the *Lateran* Church; but when the Election was 'made in the *Vatican*, the Pope was immediately after conducted to 'the Altar by two Cardinals, where, after having made his Adora- 'tion, and put up a secret Prayer on his Knees, he was placed in 'a Chair behind the Altar, where he admitted the Cardinal Bishops, 'and the others, during the singing of the *Te Deum*, to kiss his Feet, 'and to salute the Pax. On the *Sunday* following, they repair'd to 'the same Church, and the Pope, being then crown'd after the Man- 'ner of his Predecessors, went to the *Lateran* Palace. But before he 'enter'd it, he placed himself in the Stercorary Chair, and, sitting 'down in it three times, according to Custom, he was, by the Car- 'dinals, introduced into the Church, distributing Money by the Way 'among the Populace. There he ascended a Throne behind the Altar 'where he admitted the Canons of the Church to kiss his Feet, and to 'salute the Pax; which being done, he went and seated himself in 'the Chairs, which were before the Oratory of St. *Sylvester*, where 'every thing was done that I mention'd above. But if the Pope 'happen'd to be created out of *Rome*, when he made his Entrance 'into that City, and before he pass'd thro' the Gate of the *Late- 'ran* (*b*), all the Clergy went to meet him without the Gate in their '*Pontificalibus*, with the Standard of the Cross (*c*) and Censers; 'and then, at their Entrance into the *Lateran* Church, all the same 'Ceremonies I have mention'd were observ'd, though in an Order 'somewhat different. And if the Pope, upon his coming to *Rome*, 'had been already consecrated, the same Ceremonies were observ'd 'in his going to St. *Peter*'s Church, as in his going to the *Lateran* 'Church, except that he only admitted the Canons of St. *Peter* to kiss 'his Feet in the Piazza, and that he did not sit down in the *Stercoraria*, 'because that Chair is not there. For this Reason, the very next 'Day, after the Mass, he went without his *Tiara* to the Palace of 'the *Lateran*, and, before he enter'd the Church, he placed himself 'in the *Stercoraria* with the usual Ceremonies. I have translated my Author *verbatim*; so that if any Confusion appears in the Descrip- tion, it ought not to be charg'd to my Score. I now resume the Thread of the History.

(*a*) *Renuntiatur.*

*Solium.*

(*b*) *Lateranensem portam.*

(*c*) *Cum Crucis labaro.*

(1) There is no Mention of the Pall in the Election of *Martin* V.

V. ABOUT

V. ABOUT Eight o'Clock in the Morning of the same Day, the Pope was crown'd in the Episcopal Palace. The Curious, who would know the Origin of this Custom of crowning the Popes, may read what has been carefully collected upon that Subject by Father *Bonanni*, in his *Medallic History of the Popes*. According to the Account he gives of it, the Origin of this Ceremony cannot be traced higher than the XIIIth Century; and as to the Triple Crown, it does not appear that the Popes wore it before *Benedict* XII. in the XIVth Century. The Reasons urg'd by the Canon Lawyers for this Triple Crown are so various and whimsical, that 'tis not worth while to insist on them. 1417. Coronation of the Pope. *Bonanni in Martinum V. & Alexandrum VI*

IN order to proceed to the Ceremony of the Coronation of *Martin* V, a great Stage was erected in the Court of the Palace, large enough to contain about one hundred Persons; and, close to the Wall, they set up a very high Throne with a Canopy of Gold for the Pope. On the Right and Left, a little lower, were several other Rows of Seats, very magnificent ones, for the Princes and Prelates. About Eight o'Clock in the Morning, the two Patriarchs, the twenty two Cardinals (1), the Archbishops, Bishops, and the Mitre Abbats, enter'd the Court of the Palace on Horseback in their *Pontificalibus*. The Emperor and the other Princes follow'd on foot. When they were all met, the Pope ascended the Stage, preceded by the Clergy, bearing the Cross and the Wax Tapers. Before the Theatre, there was a fine Choir of Musick, which sang and play'd upon all manner of Instruments. The Pope had a stately *Tiara* upon his Head, loaded with Crowns of Gold, and a Cross of Gold upon the Top. A little behind him, on his Right, were the Cardinal *de Vienes* and a Patriarch; and on his Left, the Cardinal *de Brancas* and another Patriarch. After these, march'd the other Cardinals and the Grand Master of *Rhodes*, who were all received by the Emperors the Electors and the Princes. The Pope being placed on the highest Seat, the Patriarch of *Antioch* took off the *Tiara*, or Crown, from his Head, and fell on his Knees before him, holding that Crown in his Hand. Round him kneel'd other Cardinals, one of whom also carry'd This at the End of a Stick, another the Cross, and the others Wax Tapers. On the Pope's Right Hand sate the Cardinal *de Brancas*, with eight other Cardinals; and on his Left, the Grand Master of *Rhodes*, with as many. Farther, on the Right sate the Emperor, and on the Left the Elector of *Brandenburg*, both with Archbishops and so on, as many Electors, Princes, Bishops, and other Prelates, as the Place could contain. The rest sat upon the Stairs, which were made

(1) *Dacher* is the Person who gives this Account of the Ceremony; which is a farther Proof that there were but twenty three Cardinals at the Election.

1417. very wide for the Purpoſe. Beſides, in the Court there was a great Number of Archbiſhops, Biſhops, and other great Spiritual and Temporal Noblemen, who ſat on Horſeback round the Stage, not to mention the Multitude of People that could not get into the Court. When the Muſick had done, one of the Cardinals that was on his Knees before the Pope, and who carry'd the Flax, kindled it, and ſaid aloud twice, addreſſing himſelf to him, *Holy Father, ſo paſſeth the Glory of this World.* Then three Cardinals, who were appointed to place the Crown upon the Pope's Head, riſing up with the Grand Maſter of *Rhodes*, and taking the Crown from the Pope's Hands, they all four kneel'd down before him upon the higheſt Step of the Chair or Throne. After having made a Prayer, they roſe and ſet the Crown upon the Pope's Head, and then every one took his Place again to hear the *Te Deum* and the Muſick. Thus ended the Ceremony.

The Jews implore the Pope's Protection.

VI. WHEN they left the Place, the Pope mounted his white Horſe, which was preceded by three other led Horſes, which were alſo white, and had red Capariſons. The inferior Clergy walk'd before on Foot, follow'd by the Abbats, Biſhops, Archbiſhops, and Cardinals, all on Horſeback. The Emperor alſo held the Reins of the Pope's Bridle on the Right, walking on Foot in the Dirt, which is particularly obſerv'd by my Author, while the Elector of *Brandenbourg* did the ſame on the Left. All the reſt of the Nobility follow'd on Foot. Thus the Pope was carry'd in Proceſſion from the Cathedral to the *Auguſtin* Monaſtery, and thence he was reconducted to the Epiſcopal Palace. During this Proceſſion, the Jews of *Conſtance* aſſembled in the Middle of the Square to do Homage to the Pope (1), with Torches in their Hands, and ſinging or rehearſing after their Manner. One of them carry'd the Decalogue, and the five Books of *Moſes*, which he preſented to the Pope, who ſtopp'd, and, taking the Volume into his Hands, ſaid to them as he return'd it, *Ye have a Law, but underſtand it not; old Things are paſs'd away, behold all Things are become new.* The Acts of *Vienna* relate the Fact thus; but *Dacher* tells it quite otherwiſe. He ſays, that the Jews indeed preſented the Volume of their Law to *Martin* V, praying him to confirm their Privileges; but that the Pope having refuſed to receive the Volume, the Emperor took it, and caſt this Reproach upon the Jews, *Your Laws are juſt and good, none of us rejects them; but you don't obſerve them as you ought.* After this, the Emperor returning their Book to them, the Pope turn'd to them, pronouncing theſe Words: *May it pleaſe God to remove the Veil from their Eyes, that*

(1) *Æneas Sylvius* ſays, that the Jews did the ſame thing at *Baſil*, when *Felix* V. was elected there. *Æn. Sylv. Conc. Baſ.* 117.

*they*

*they may be able to perceive the Light of eternal Life*; and he gave them his Blessing in these Words, *In the Name of the Father, the Son, and the Holy Ghost*, Amen (*a*). 1417.

(*a*) *Apud Van der Hardt*, T. IV. p. 1417.

VII. THE Acts of *Vienna* say, that in Memory of the Day on which *Martin* V. was crown'd, he gave to such Abbats as were not mitred, the Privilege of wearing the Mitre upon that Day in their Convents; but this Privilege only extended to the Abbats then living, and not to their Successors. We thought it proper to relate the Ceremonial of the Election, Consecration, and Coronation of *Martin* V. all at once, rather than to interrupt the Thread of the History by Things, which, tho' not very essential indeed, are such however that a Man would not care to be ignorant of. We come now to what the Pope did the next Day after his Election.

Privileges granted to the Abbots.

VIII. WE have observ'd, that, by Consent of the Council, he sent *Bernard de Bourdeaux* (1) to acquaint the King of *Arragon* with his Election to the Pontificate, and the Deposition of *Peter de Luna*. The Prelate had a favourable Audience of *Alphonso*, who immediately deputed some of his Prelates to *Peter de Luna*, to let him know what had pass'd at *Constance*, and to try to mollify the old Man, who had, till then, been inflexible. But *Benedict*, rather than renounce his pretended Right, demanded six Prelates of the King, that he might consult with them about the Union of the Church; and the King actually permitted two Archbishops and two Bishops to go within a League of *Peniscola*, or, if necessary, to *Peniscola* itself, to confer with this Anti-pope. We shall hereafter perceive that all these Parleys were but mere Evasions, especially on the Part of *Benedict*. It may naturally be imagin'd, that *Martin* lost no Time in spreading the News over all Christendom. He sent *Lewis de Pisque*, Cardinal with the Title of St. *Adrian*, into *France* with the same View; but this Embassy prov'd, at first, as unsuccessful as that to *Arragon*. *Dupui* tells us, 'That as soon as the Pope's Legate arriv'd at *Paris*, the King and 'the Dauphin summon'd a great Assembly of the Prelates, of his 'Grand Council, of the Court of Parliament, several Abbats, Doctors 'and Masters of Arts of the University, to consider of a proper An-

The Pope notifies his Election every where. Note 22. *Raynal. ad ann.* 1417. num. x.

*Dupui* History of the Schism, p. 450, 451. *Maimb.* History of the Schism, Part II. p. 205, 206.

(1) I know not who this *Bernard de Bourdeaux* was. Perhaps it was the Abbat who wrote a Life of *Martin* V, and whom *Spondanus* often quotes by the Name of *Burdegalensis*. However 'tis certain, both from the Acts and from the whole History, that *Alaman Adimar* was the Man whom *Martin* V. sent to *Arragon*. He was elected [illegible], his Birth-place, in 1400, Archbishop of *Trent* in the following Year, and soon after Archbishop of *Pisa*. It was in this Quality that he assisted at the Council. *John* XXIII. sent him Legate into *France*, and made him a Cardinal Priest, by the Title of St. *Laurence*. He sent him afterwards to Spain, to promote the Union of the Church, and the Conversion of the *Sarazens*. But, at his Return, he died of the Plague, or as some say, of Poison, in 1424. *Du Pin. Eccl. Hist. Purp. Doct.* Lib. III.

1417. 'swer to be return'd to *Lewis de Tiefque*, and of Ways and Means 'for restoring the Church of *France* to its ancient Immunities and 'Privileges; as to which Article, it was resolv'd that the Decree of '1406 should be maintain'd, &c.' It has been already observ'd, that in 1413 it had been resolv'd in the Council of the King of *France*, and in the Parliament of *Paris*, that the Churches of *France* should be maintain'd in their Franchises, according to the Decree of 1406; that is to say, that in the Cathedral, Collegiate and Conventual Churches, and the other elective Benefices, Persons should be collated to them by the Election or Postulation of the Chapters, Colleges and Monasteries, both Regular and Secular; and that as to the other Benefices which were not elective, Persons should be inducted to them by the Presentations, Collations and Institutions of those to whom it appertains by common Right, or by Custom or Privilege, notwithstanding and without Regard to the general or special Reservations of any whatsoever. The King had given Orders to his Ambassadors to get this Regulation confirm'd by the Council of *Constance*; but they were thwarted in this Design by the Cardinals, and even by the Emperor, who, as Father *Maimbourg* says, was no Friend to *France*. As this Jesuit declares, that he saw the original Answer which was return'd to *Lewis de Tiefque* after several Meetings, I will here give the Substance of it, as related by him, *viz.* 'That the King, who 'had done extraordinary Things with an indefatigable Zeal and very 'great Expence, in order to suppress the Schism, was not willing that 'Things should relapse into the same State as they were in after the 'pretended Election of *Bartholomew de Barri* (*a*), when all the Car- 'dinals, as soon as they got out of *Rome*, and were at full Liberty, 'protested that it was null and void, as having been carry'd on and 'ratify'd by Force. That *Sigismond*, King of the *Romans*, being ab- 'solute Master of *Constance*, seem'd to be as much Master of the 'Council, where he had not used the *French* well, but, after ha- 'ving receiv'd all possible Honour and Satisfaction at *Paris*, had 'basely enter'd into an Alliance against them with the *English*, instead 'of procuring a Peace between the two Crowns, as he pretended was 'his Design, the better to cover his Treachery. That therefore as 'there was Cause to apprehend that so perfidious a Prince would force 'the Conclave to elect a Pope after his own Heart, the King had 'already made an authentick Protest in Presence of Notaries, that he 'would not render Obedience to any Person whatsoever who should 'be chosen Pope at *Constance*, till his Ambassadors were return'd, and 'at full Liberty to inform him whether the Election was made freely 'and canonically. That then he would act as became the most Chri- 'stian King, and in a Manner that should be satisfactory to all Man- 'kind: And that, in the mean time, he intreated the Cardinal *de* 'Colonna,

(*a*) This was *Urban* VI

'*Colonna*, who ſtiles himſelf Pope elect, and for whoſe Perſon he had 1417.
'a very great Eſteem, to take ſo equitable an Anſwer in good Part.' The King's Ambaſſadors being return'd from *France*, and reporting that *Martin* had been elected canonically, he was own'd as Pope in *France*, and his Legates were well receiv'd in that Kingdom.

IX. I find that one of the Continuators of *Baronius*'s Annals has a (*a*) Letter from the Elector Palatine, wherein that Prince congratulates the Pope on his Election to the Pontificate. 'Tis dated the 17th of *December*, 1417, and, among other Things, the Elector *Palatine* ſays, that he heard of this Election on the 15th of *November* from common Fame. This Letter plainly ſhews, that *Dacher* was miſtaken, when he ſaid, that on the 11th of *November* the Elector *Palatine* held the Reins of the Pope's Horſe along with the Emperor, and that on the 21ſt of the ſame Month he aſſiſted at his Coronation. Undoubtedly he miſtook the Elector *Palatine* for the Elector of *Brandenbourg*, who, according to the MSS. of *Vienna* and *Leipſick*, held the Reins of the Pope's Horſe along with the Emperor on the 21ſt of *November*, when he went in Proceſſion to the Church after his Coronation. Moreover, the Elector *Palatine* was not one of the Princes who ſwore, on the 8th of *November*, to cauſe the Laws of the Conclave to be obſerv'd; and we don't ſee for what Reaſon he could be diſpenſed with from taking that Oath, when it was put upon the Elector of *Brandenbourg* and the Emperor himſelf. But that which clears up the Matter, is the Quarrel betwixt the Emperor and the Elector *Palatine*, who, according to the Report of *Windeck*, were at ſuch Variance that Year, that the latter was obliged to return to his Dominions, and actually made a League againſt *Sigiſmond* with the Elector of *Mentz*, and ſome other Princes. I only enter'd into this Diſcuſſion to ſhew, that we ought not too implicitly to believe even the Authors of that Time, and much leſs others: In order to be ſure of any Fact, 'tis abſolutely neceſſary to compare the Teſtimony of an Hiſtorian with the Circumſtances of Times and Places. In the ſame Annaliſt, whom I have juſt now quoted, I alſo find a Letter of *Reynold* Duke of *Juliers* and *Guelderland*, and Count of *Zutphen*, wherein he alſo congratulates the Pope upon his Election, and thanks his Stars for being of the illuſtrious Family of *Colonna*.

The Elector *Palatine* congratulates the Pope.

(*a*) *Raynald ann.* 1417.

IT ought not to be thought ſtrange, that *Martin* V. was ſo induſtrious to notify his Election to all Chriſtendom; for herein he did no more than what was agreeable to the Council, which had choſen him, and what is common to the Popes. We find, among the Anecdotes of *Martene*, the Letter which this Pope wrote to the Univerſity of *Cologn*, notifying his Election. As 'twas a circular Letter, we will here give it entire, in order to form a Judgment of the others, in

1417. which there were no Alterations but what the Places and Persons made necessary.

*Martin* V's Letter to the University of *Cologn.*

X. ‘ *MARTIN* Bishop, Servant of the Servants of God, to our ‘ most dear Sons the Rector, and the University of *Cologn*, Greeting, ‘ and Apostolical Benediction.

‘ JESUS Christ, our merciful Lord, the only Son of God, who, ‘ by his Majesty Omnipotent, governs Heaven and Earth, at the ‘ same time, having cast a tender Eye from above upon the Holy *Ro-* ‘ *man* Catholick Church our Spouse, which he founded, not only ‘ with his Hands, but by the Effusion of his precious Blood, was not ‘ willing to suffer it to remain longer in a sorrowful State of Widow- ‘ hood, after the Resignation of *Gregory* XII, and the deposing of ‘ *John* XXIII. and *Benedict* XIII, canonically perform'd in this general ‘ Council, as all the World cannot but know. So that after tedious and ‘ various Negociations between the College of our venerable Bre- ‘ thren the Cardinals of the Holy *Roman* Church, of which Number ‘ we then made one, and some venerable Prelates of the Nations of ‘ this Council, concerning the Election of a *Roman* Pontiff; and, af- ‘ ter Consultations repeated for several Days, it was unanimously a- ‘ greed, *as it were by a Miracle*, and by an Illumination of the Di- ‘ vine Grace, that, in order to attain profitably to the Union of the ‘ Church, and to the Extirpation of this pernicious Schism, there ‘ should be added to the College of Cardinals six other Electors, ‘ chosen out of each of the five Nations present in Council by their ‘ Deputies; and that he who should have *two thirds* (1) of the ‘ Voices of the Cardinals and two thirds of the Votes of the ‘ Deputies of the Nations, should be acknowledged, by all the Faith- ‘ ful, for the only and undoubted Pope of *Rome*. Consequently, by ‘ the Permission of the most High, those thirty Joint Electors, with ‘ the Cardinals, who were in Number twenty three, enter'd, with ‘ the Consent of the Council, on *Monday* the 8th of this Instant, about ‘ Four o'Clock in the Afternoon, into the Conclave, which was well ‘ guarded, to the end that they might there enjoy entire Liberty and ‘ inviolable Security, every Man being animated with an ardent Desire ‘ for Peace. When the Divine Office was celebrated, after mature ‘ Deliberation, as the Importance of the Affair requir'd, on *Thursday* ‘ the 10th, which was St. *Martin*'s Day, at Four o'Clock, or there- ‘ abouts, that same Spirit which quickens, enlightens and directs the ‘ Hearts of Believers to that which is good, reconcil'd ours in one ‘ Opinion, for the Glory of the most High, for the Peace of the ‘ Church, and for the total Suppression of the Schism; so that they ‘ all agreed unanimously *(nemine discrepante)* to make the Election fall

(1) *Duas partes.*

‘ upon

upon Us the Cardinal-Deacon of *St. George au voile d'Or*, notwithstanding our Incapacity, by the Frailty of human Nature, to support so heavy a Weight as the Government of the Catholick Church. *Te Deum* was immediately sung, and they proceeded to the Inthronisation and Adoration, according to Custom. After having observ'd the Holy Solemnities requisite on these Occasions, we receiv'd that very Day, with a Joy temper'd with Humility, and to the Praise of the most High, the Pontifical Crown, in the Cathedral Church of *Constance*, in Presence of the King, the Cardinals, the great Lords, the Prelates, and a vast Multitude of Persons of Note. 'This we were willing to notify to your University, whose Increase we wish with a paternal Affection, hoping, from your usual Zeal for Holy Mother Church, that you will receive the Tidings of it with Joy.' The Letter concludes with Vows, Exhortations and Protestations of good Will, and is dated *November* 20. 1417.

IN the same Collection of Anecdotes, there is a Letter from the Cardinals to the same University, dated the very Day after that of the Pope, which only contains the same Things, and almost in the same Words. I will only add a Remark or two by the way, *viz.* that the Cardinals, as well as all the Acts, call the Pope newly elected, *Martin* V; which shews, that *Henry de Sponde* (*a*), *Andrew de Chesne*, and others, who stile him *Martin* III, are mistaken. What gave Occasion to the Error, is, that *Martin* II. and *Martin* III. had probably, through a Mistake, been stil'd *Marin* I. and *Marin* II. Therefore it must be acknowledg'd for a certain Truth, that there had been already four Popes who had born the Name of *Martin*. The first elected in 649; the second, commonly call'd *Martin* I, in 882; the third, call'd *Marin* II, in 942; the fourth in 1281; and the fifth, by consequence, in 1417. 'Tis thus they are rang'd by Father *Pagi*, in his Abridgment of the Lives of the Popes (*b*). And indeed 'tis better to depend upon the Acts, upon the Pope himself, who declares, that he was call'd *Martin* V, and upon the Cardinals, by whom he was elected, who declare the same thing, than on some particular Historians, who could so eas'ly turn *Martin* into *Marin*. My second Remark is, that it appears, from the Letters as well as the Acts of *Germany*, that there were twenty three Cardinals at this Election, neither more nor less, including *Colonna* the Person then elected. Some have computed them to be thirty, which is false. *Sponde* (*c*) declares, that the Acts of the *Rome* Edition only make them twenty, which is a Fault. The Letters of the Pope and the Cardinals are decisive in this Point: And that which is altogether as decisive is, that *Ebhard Dacher*, who knew it from the Prothonotary of the Archbishop of *Gnesna*, who was in the Conclave with his Master, declares, as well as the Acts, that there were fifty three

(*a*) *Ann.* 1413. num. vii.

(*b*) Tom. I, II, III.

(*c*) *Ubi supra.*

1417. Electors: Therefore, ſince there were thirty Joint Electors, there muſt have been twenty three Cardinals. Some Days after, the ſame Election was notify'd to the Univerſity of *Heidelberg* (1), as appears by an Act in the ſame Anecdotes (*a*). *Martin* V. had ſent a *Florentine* Doctor thither for that Purpoſe (2), with a particular Letter from the Pope to the ſaid Univerſity, and a Bull in due Form (3). There is a Letter alſo from the Cardinals to the ſaid Univerſity, which contain'd what was tranſacted at the Election and Coronation of the Pope, in the ſame Terms as the Letter written to *Cologn.* As ſoon as the Pope's Nuncio was arriv'd at *Heidelberg*, the Rector of the Univerſity (4) cauſed the Members to be aſſembled in a Body in the Church of the Holy Ghoſt, which is the Cathedral, to receive the Pope's Orders. The Rector having receiv'd the Brief and the Bull from the Hands of the Pope's Nuncio, together with the Letter from the Cardinals, gave it to the Secretary to read it aloud. When it was read, a Profeſſor of Divinity (5) made a Diſcourſe upon this Text, *This is the happy Day*, &c. wherein, after having bleſſed the Lord for the Union of the Church, and the happy Choice which the Council had made, he promiſed Obedience to the Pope, in the Name of the whole Univerſity. After which, *Te Deum* was ſung, and the Virgin's *Anthem.* We find the ſame Notification to the Kings of *England* and *Scotland* in Mr. *Rymer*'s *Fœdera.* In that to the King of *England*, there are very advantageous Teſtimonies to the Diligence and Fidelity of the Ambaſſadors of that Kingdom at the Council. It has been elſewhere obſerv'd that *Scotland* had till then held out for *Benedict* XIII. The Pope notifies his Election to *James* King of *Scotland*, together with the depoſing of *Benedict* XIII; and exhorts him to join with the Council, as the Duke of *Albany* his Uncle, Viceroy of *Scotland*, had already given him Ground to hope. Here it muſt be obſerv'd, that in the Year preceding the Council had ſent the Abbat *de Pontignac* into *Scotland* to draw that Kingdom from *Peter de Luna*, who, on his Part, had ſent an *Engliſh* Monk thither to plead his Cauſe. Though the Governor ſtill held out for the Anti-pope, the Clergy of *Scotland* prevail'd, and the Monk was forc'd to retire, having been ſo happy as to eſcape the Faggot for ſome heretical Propoſitions, which, it was pretended, he had advanced (*b*).

(*a*) *Mart Anecd.* p. 1692. *ubi ſupr*

(*b*) *Hector. Boeth. an.* 1416, num. xlii.

XI. IT was natural to imagine, that there was not much to be expected from *Martin* V. for the Reformation of the Church, by

The Pope makes Rules of his Chancery to be drawn up.

(1) This was founded by *Robert* Elector *Palatine*, ſurnam'd *le Roux*, or *Red hair'd*, *l'ancien*, or the *old*, in 1348, according to ſome, and in 1386, according to others, under the Pontificate of *Urban* VI.

(2) Ludovicus de Mutliana.

(3) Vera Bulla in condula canapis more Romanæ Curiæ impendente bullata.

(4) His Name was *John Noet.*

(5) His Name was *Nicholas de Janwert.*

the

the Haſte which he made the very Day after his Election (1), to have the Rules of the *Roman* Chancery drawn up. It would nevertheleſs have been of very great Importance to have oppoſed it at firſt, becauſe thoſe Rules contain'd the Pretenſions of the Popes to the Eccleſiaſtical Benefices and Revenues of all Chriſtendom (2). However, they were publiſh'd the 26th of *February* following. *John* XXIII. had done the very ſame thing the Day after his Election, according to the Cuſtom of his Predeceſſors, as he declares in his ſaid Rules, which may be ſeen in the firſt Tome of *Von der Hardt*'s Collection, who took them from a MS. at *Helmſtad*. Theſe ſame Rules of the *Roman* Chancery were one of the greateſt Grievances which the Princes, Prelates, Clergy and Laity had to complain of from the Popes. They were the Source of the Simony and Uſurpations of the Court of *Rome*; in a word, of the Ruin of all Chriſtendom. It was loudly complain'd, that what with the Pope's Reſervations, Reverſions, Vacancies, Confirmations, Diſpenſations, Exemptions, Unions or Incorporations, Commendams, Annates, Tenths, Indulgences, and other Burdens of the like Nature, authoriſed by theſe Rules, all the Money went to *Rome*; that the Churches were depriv'd of their Right to chuſe their own Paſtors; and that the Court of *Rome*, whenever it pleas'd, ſent them ignorant and wicked Wretches, who ſcandaliſed and oppreſs'd the Church. Theſe general Complaints were partly the Reaſon of aſſembling the Council of *Conſtance*, which every body hop'd would provide effectual Remedies. Indeed, the Deputies of each Nation, who had been nominated by the Council to labour for the Reformation, had chiefly in View the Abolition of theſe Rules of the *Roman* Chancery. *John Gerſon*, *Peter d'Ailli*, *Zabarella*, and many other Doctors, had explain'd themſelves frankly againſt this Abuſe in ſome publick Writings which were compoſed at *Conſtance*. And the Council itſelf had reſolv'd to reform ſeveral Articles of thoſe Rules of the Chancery, as plainly appear'd from the Decrees of the XXXIXth and XLth Seſſions. Yet behold *Martin* V, but the very Day after his Election, orders the Rules of the Chancery to be drawn up on the ſame Footing as thoſe of *John* XXIII, or with ſo little Variation, that it was very evident he already contemn'd the Reſolutions which had been in the foregoing Seſſions; and that the whole Scheme of the Reformation, drawn up with ſo much Care and Pains, was vaniſh'd into Smoak. Dr. *Von der Hardt* has inſerted theſe Rules of the Chancery of *Martin* V, as he extracted them from the MSS. of *Vienna* and *Leipſick*, and has placed them next to thoſe of *John* XXIII.

1417.

(1) Die xii Novembris, in craſtinum ſuæ Aſſumtionis ad ſummi Apoſtolatûs apicem, & ante ſuæ Coronationis ſolemnia factæ & editæ.

(2) The Reader may ſee them at the End of this Hiſtory.

which

1417. which he copied from a MS. at *Helmstad* (*a*), in order to shew wherein they differ and wherein they agree. They were publish'd, as has been already said, on the 20th of *February* in the following Year, and are inserted at the End of this History, for the sake of such as have a Curiosity to see the Acts of this Kind, which are not common.

(*a*) V. d. Har. T. I. p. 954. 971

Assembly of the Nations to demand of the Pope to reform the Church. *Nov.* 22.

XII. 'Tis not very certain, whether the Emperor was privy to this Proceeding of the Pope, or whether he knew it, and all the while dissembled his Resentment according to his Motto, *Qui nescit dissimulare nescit regnare.* However it be, he suffer'd the Pope to be crown'd, and even gave, during all those Ceremonies, more external Demonstrations of Joy and Satisfaction than any other Person whatsoever. Next Day after the Coronation, the five Nations came to a Resolution to demand of the Pope the Reformation which he had promis'd to make after his Election, according to the Plan of the *Reforming College*. *Martin* V, perceiving that he had no Way to ward off the Blow, promised the Presidents of the Nations to do what they desir'd, and order'd them to appoint Deputies to act in the Affair of the Reformation, together with six Cardinals of his own Nomination. But this Affair went on very slowly, as well by reason the Nations could not agree among themselves, as because of the affected Delays of the Cardinals. Mean time, the *German* Nation gave in a Memorial to the new Commissioners for the Reformation, demanding, amongst other Things, 'That the Apostolical See should content it-'self with the Reservations contain'd in the Body of the Law; and 'that as for the rest, they should leave the Metropolitans, the Bi-'shops, the Prelates, the Chapters, the Colleges, and the other Ec-'clesiastical Patrons or Collators, in their Right of Election, Confir-'mation, Collation, Presentation, and every other Right of Disposition 'with regard to Archbishopricks, Bishopricks, Prelacies, and other 'Ecclesiastical Dignities and Benefices, according to the Settlement 'of some former general Councils, and according to the Intention of 'the Founders, saving the Right of the Apostolical See to the 'Churches and Monasteries which are subject to it immediately, or 'by Privilege of Exemption. That when a Collator shall have more 'than five Benefices in his Collation, the Pope may grant a Reversion 'for one or two. That the exorbitant Reservations prescribed by 'the Rules of the Chancery shall be abolish'd, except those which are 'included in the Body of the Law, in which Class such Benefices shall 'not be reckon'd as exceed the Value of five Marks of Silver (1).

(1) I will insert this Article in *Latin*, for fear of being mistaken: *Nec non quod Papa, quemlibet Collatorem Ecclesiasticum, ad cujus Collationem ultra quinque Beneficia Ecclesiastica spectant per unam in specali, & aliam in forma pauperis duntaxat, gratias, cum clausula, si pro alio in tali forma non scripserit, possit onerare.* V. d. Hardt, T. IV. p. 1494.

XIII. WHILE

XIII. WHILE Things were preparing to settle the Reformation, *Martin* V. was busied in other Affairs which also related to the Council. It was probably at this Time that he receiv'd Ambassadors from *Joan* Queen of *Naples* (1). They came to do Homage to the new Pope, to offer him Assistance to recover St. *Peter*'s Patrimony, which had been a long time left at Rack and Manger, and to restore the Castle of St. *Angelo* to him, together with the Towns of *Ostia* and *Civita Vecchia*, which *Joan* had retaken from *Braccio*, by the Bravery of *Sforza* her General, of which 'tis proper to give a more particular Account. As soon as the ambitious *Braccio* (2), whom *John* XXIII, at his Departure for *Constance*, left Legate of *Bologna*, had heard of that Pope's being deposed, he resolv'd to take Possession of *Rome*, under Pretence of keeping it for him, but in reality to make himself Master of it. He was invited thither, not only by the deplorable State of *Rome*, which was at that Time distracted by various Factions, and almost entirely exhausted of Men and Provisions, but also by the Friends he had there; among whom was *Peter Annibal*, Cardinal of St. *Angelo*, whom the Council had sent thither to govern that Capital, in the Absence of the Pope, jointly with *James de l'Isle*, Cardinal of St. *Eustachius*, as has been already said. *Braccio* being already Master of *Umbria*, it was no difficult Matter for him to go and encamp near *Rome* with all his Troops. The Cardinal of St. *Eustachius*, who was not so false as the Cardinal of St. *Angelo*, went to pay him a Visit in his Camp under Pretence of Friendship, and without discovering any Alarm at this Armament. *Braccio* receiv'd him very well, and assur'd him, that he was not come to seize *Rome*, but to preserve it for the Sovereign Pontiff in his Absence. The Cardinal made as if he believ'd him, and return'd fully resolv'd to take proper Measures against him.

1417.

Ambassadors from the King and Queen of *Naples*.

WHEN he was return'd to *Rome*, he assembled all the Citizens, and made a very pathetick Speech to them to encourage them to defend their Religion and Liberty, and they actually form'd a Resolution accordingly. Mean time, *Braccio*, who did not dare to undertake the Siege of *Rome*, ravaged the Country, and continually made his Approaches, taking one Post after another, and a great Number of Prisoners. The *Romans*, alarm'd at these Approaches, sent Deputies to him, with Orders to offer him several Conditions; but he would not hear of any other than surrendering at Discretion. In this Extremity, the Citizens, being assembled together, resolv'd, in spite of the Cardinals of St. *Eustachius*, to receive *Braccio* for Protector and

(1) These were *Bertrand Spinel de Jurenaco*, Bishop of *Cassano* in the Kingdom of *Naples*, and *Lawrence* Bishop of *Vicarico* in that Kingdom. *Bzov. an.* 1417. num. xii.

(2) See his Character *History of the Council of Pisa*, T. II. p. 9.

Con-

1417. Governor of the City. He made his Entry into the City with the Acclamations of the fickle Multitude, who cry'd out, *God ſave* Braccio. As for the Legate, he did not go out to meet him, but retir'd to the Caſtle of St. *Angelo*, where *Braccio* beſieged him; but the Plague happening in his Army, and hearing moreover that Succours were coming from *Naples* to oblige him to raiſe the Siege, he reſolv'd to make his Retreat from *Rome*. In ſhort, the General *Sforza* (1) enter'd this Capital ſoon after in Triumph, being receiv'd by the Populace with the ſame Acclamations as *Braccio*. The Gratitude and Joy of the Cardinal *de St. Euſtachius* was more ſincere, becauſe he was deliver'd from a Tyrant, who would not have ſpar'd his Life, and becauſe he reſcued *Rome*, and the Pope himſelf, from the Slavery with which they were threaten'd. This General, to reward the Fidelity of *James de l'Iſle*, paid him all poſſible Honours, taking him with him into the ſame Chamber where the Pope uſed to lye; and, to puniſh the Treachery of *Peter Annibal*, he cauſed him to be impriſon'd in the Caſtle of St. *Angelo*, where, not long after, he died (*a*).

(*a*) Bzov. *ann.* 1417, num. xiv.

MY Acts do not ſay what was the Succeſs of the Embaſſy from the Queen of *Naples*: But *Raynaldus* ſays, that the Pope then promiſed the Ambaſſadors of that Princeſs to grant her the Inveſtiture of the Kingdom of *Naples*, though it appears from other Authors that he had promiſed it alſo to *Lewis* of *Anjou*. However it be, while *Martin* was at *Florence*, he confirm'd the Promiſe which he had made to *Joan*, and ſent the Cardinal of *Venice* to crown her in his Name, on condition that ſhe would procure the Liberty of *James de Bourbon* her Husband, whom ſhe had committed to Priſon, as we ſhall ſee in its Place. It was much about the ſame Time that *Martin*, with the Emperor's Conſent, diſpatch'd an Auditor of the *Rota* to *Tirol*, to propoſe an Accommodation to *Frederick* of *Auſtria* with his Imperial Majeſty. We ſhall ſee hereafter what was his Succeſs.

Nov. 25.

SOME Days after this, the Pope ſent *Henry Fleckel*, Auditor of the ſacred Palace to *Frederick* of *Auſtria* then in *Tirol*, to endeavour to reconcile him with *Sigiſmond*, who had given his Conſent to the ſaid Negociation.

Funeral Obſequies of *Gregory* XII.

XIV. The Council receiv'd News of the Death of *Angelo Corario*, (who had been *Gregory* XII.) which happen'd the 18th of *October* this Year at *Recanati*, in the Marquiſate of *Ancona*. As he had at length made a voluntary Reſignation of the Pontificate, *Martin* V. thought fit to have magnificent Obſequies perform'd for him at *Conſtance*, which were celebrated on the 26th of *November*. His Epitaph will not be diſagreeable perhaps to our Reader.

Nov. 16.

(1) See his Character. *Hiſtory of the Council of Piſa*, T. II. p. 89.

*Maximus*

1417.

*Maximus Eccleſiæ Princeps, ſummuſque Monarcha,*
*Ordine Gregorius biſſenus, clauditur Arcâ.*
*Hic pro pace datus cœleſti Munere, ſemper*
*Ferbuit æthereos ſuperis unire decenter.*
*Archiſchiſma* (*a*) *malum, facta hæc dementia Piſis,*
*Ipſe pius relevat, facta eſt Conſtantia teſtis,*
*Cardine bis ſacro Paſtoris conſcia ſede*
*Marchia ſuſcepit Reuancti Flavius* (*b*) *æde.*
Obiit Anno Dom. 1417 (*c*).

(*a*) In ſome Copies 'tis *Aſt bis Schiſma.*

(*b*) Some write it *Fluvius.*

(*c*) *Bzov. an.* 1419, num. xvi.

BUT there is a groſs Falſhood in this Epitaph, where it ſays, that Heaven had granted *Gregory* for the Peace of the Church, becauſe he was as great an Abettor of the Schiſm as *Peter de Luna* his Competitor, which may be ſeen in the *Hiſtory of the Council of Piſa*, and that of *Platina* (*d*), who ſays, that he died for Vexation that he had reſign'd the Pontificate, becauſe he did not expect that his Abdication would have been ſo ſoon determin'd in the Council. I queſtion, however, whether this Report ought not to be deem'd as a Calumny, or, at leaſt, as a raſh Conjecture. Being ninety two Years of Age when he died, 'tis not neceſſary to ſeek for any other Cauſe of his Death.

(*d*) Life *Joh.* XXIII.

XV. THE 29th of *November* the Pope held a Conſiſtory, for the firſt time, in the Epiſcopal Palace. The firſt Affair that was brought upon the Carpet was that of the Dukes of *Bavaria*. The Advocate of *Lewis* of *Ingolſtat* demanded Juſtice againſt *Henry de Landſhut*, as a perfidious Aſſaſſin, a ſeditious treaſonable Perſon, *&c.* who ought, as ſuch, to be put under the Ban of the Empire. The Pope anſwer'd, that he would take it into ſpecial Conſideration, and promiſed to do all that Juſtice demanded in the Affair. The Biſhop of *Strasbourg*'s Controverſy with his Chapter, was an Affair of which the Pope was a better Judge. It was pleaded for two Hours with very great Animoſity on both Sides, till, at length, the Pope appointed the Cardinal *de Piacenza* and the Cardinal *de St. Marc* to examine it, and make their Report to him. Nevertheleſs, this Affair was not decided till 1420, nor then, as *Windeck* (*e*) ſays, but by the Mediation of *Sigiſmond*. At the Concluſion of the Conſiſtory, the Pope gave Exhortations to the Advocates to be moderate in their Pleadings, to obſerve the Rules of Civility towards one another, and always to appear in a decent Habit.

The Pope's firſt Conſiſtory. *Nov.* 29.

(*e*) *Windeck. Hiſt. ubi ſup.* p. 525, 1495.

XVI. NOTHING of very great Moment happen'd the following Days. Upon the Creation of two new Conſuls at *Conſtance*, the Princes had a mind to divert themſelves at a Tournament. Every thing was prepar'd for it in the Court of the Epiſcopal Palace; but the Pope, unwilling perhaps that the ſame Place where he had juſt been crown'd

A Tournament. *Dec.* 1.

1417. crown'd ſhould be prophaned with publick Sports and Diverſions, refuſing to let them have that Place, they were fain to chuſe another for the Entertainment.

An Aſſaſſination committed at *Conſtance*. *Dec.* 7. XVII. SOME Days after this, a tragical Accident happen'd at *Conſtance*, by the Aſſaſſination of the Prior of the *Benedictins* of *Lucern*, who was murder'd, at Seven o'Clock in the Morning, upon a Bridge at *Conſtance*, by a Ruffian, hir'd for the Purpoſe by the Burghers of *Lucern*, becauſe they had been caſt by the *Benedictins* in a Law-ſuit. The Aſſaſſin being immediately apprehended, made a voluntary Confeſſion; but *Dacher* ſays, that he juſtify'd what he had *Dec.* 8. done to the very laſt. Three Days after, the Murderer was dragg'd at the Tail of a Horſe, through the Streets of the City, to the Place of Execution, where he was broke upon the Wheel. *Dacher* ſays, that as the Murderer paſs'd through the *Dominicans* Street, where he had committed the Fact, the Carcaſs, which was kept above Ground in that Monaſtery, was ſeen to ſweat, and that, juſt as the Sentence was pronounc'd, the Blood flow'd from it in ſuch a Quantity, and ſo freſh, as if the Murder had been but that very Moment committed. I have often heard Stories of this kind, of which I leave every one at Liberty to make his own Judgment, provided that I be allow'd heartily to disbelieve it.

Indulgencies granted by the Pope. *Dec.* 17. XVIII. ON the 17th of *December*, the Pope cauſed Proclamation to be made by Sound of Trumpet, for all Perſons, of what Rank ſoever, of either Sex, that had any Favours or Benefits to deſire of him, to repair, by a certain Hour, to his Palace. The Pope and Cardinals, the Emperor, the Electors and Princes, came, on the Day appointed, probably to the very ſame Theatre that had been erected for the Coronation of the Pope, who there ſolemnly gave his Benediction to the People. After this Ceremony, he ſpent ſome Days in giving Audience to the Demands of private Perſons, and in the diſpatching of Bulls. Nor did the Cardinals want Employment, every one of them being ſurrounded by hundreds of People, as often as they went to the Pope's Court. Next Day, the Pope held a private *Dec.* 18 *Conſiſtory*, wherein he ſwore to the Profeſſion made by *Boniface* VIII, *Hard. Tom.* IV. *p.* in Preſence of the Deputies of the Nations who had elected him. It *1497.* had been agreed, in the Reforming College, that, for the future, all the Popes elect ſhould make the ſame Profeſſion, with the Additions which the Reformers had thought fit to make to it, and which have (*a*) *Seſſion* been already mention'd (*a*). This was very near the ſame Profeſſion *XXXIX. III.* which they had reſolv'd to preſent to the future Pope in the XXXIXth *Lat. V.* Seſſion, only that of *Boniface* VIII is larger. For inſtance; the Pope therein promiſes not to alienate the Revenues of the Church in any Manner, or under any Colour or Pretext whatſoever; to maintain the Eccleſiaſtical Diſcipline, and to cauſe it to be re-eſtabliſh'd, by the

the Advice of the Cardinals, when the same is in any Article violated. As the Profession of *Boniface* VIII. is loose, I am not surpriz'd that it was made by *Martin* V; but as he had already caused the Rules of his Chancery to be drawn up, I know not how he could, with a safe Conscience, swallow the Oath he now took to observe the Additions which were made to that Bull by the Reformers, because they were directly contrary to the Rules of the *Romish* Chancery, which he had already caused to be drawn up. I leave the Reader to judge of this Matter, and proceed to other Affairs. 1417.

XIX. IT was much about this Time that they say *Maurice* of *Prague* composed a Treatise, by Order of the Council, against the Communion in both Kinds; and particularly against the Treatise which *James de Misa*, alias *Jacobel*, had writ in 1415 in Defence of this Practice. These are the chief Arguments which *Maurice* makes use of against *Jacobel*. After having laid it down for a Principle that the Infallibility of the Church is a Truth of Faith, as essential, and as certain as the Incarnation of Jesus Christ, he draws this Consequence from it, *viz.* that if the Communion in both Kinds was necessary to Salvation, as *Jacobel* affirms, it would follow, that, contrary to what Jesus Christ has promised, the Church, which has, for many Ages, kept to the Practice of giving the Communion to the Laity only in the Species of Bread, must have been all that while in a damnable Heresy. I question whether *Jacobel* would have been much startled at this Consequence. Afterwards *Maurice* makes use of another Argument, almost of the same Kind, *viz.* That Jesus Christ having promised his Disciples, that when the Holy Ghost should come, he would teach them all Truths; if the Communion in both Kinds was necessary to Salvation, it would follow from thence, that the Holy Spirit has not fulfill'd the Promise made by Jesus Christ, because it has no where shew'd this Necessity. Any Disputant that should undertake to answer this Argument, would, in my Opinion, find it no hard Task to set it aside. He might observe, for instance, that the Necessity of the Communion in both Kinds is not in the Number of those Truths which Jesus Christ did not teach to his Disciples, because they could not yet bear them; for he himself instituted the Communion in both Kinds, and expressly commanded it to be put in Practice. And if, after the Institution of Jesus Christ, the Communion in the Species of Bread only was become necessary, this is what the Holy Spirit could not but have taught. Therefore *Maurice*'s Argument makes manifestly against him. In the fourth Chapter, he has recourse to an Argument of another Nature. He pretends, that, in the Apostles Time, the Primitive Church changed the Form of Baptism, which was prescribed by Jesus Christ in these Terms; *Baptize them in the Name of the Father, of the Son, and of the Holy Ghost*;

*Maurice of Prague's Treatise against the Communion in both Kinds. V. d Hardt, T. III. p. 709*

1415. and he infers from it, that with much more Reaſon the Church might afterwards change the Practice of the Communion in both Kinds into that of the Communion in the Species of Bread alone, becauſe the Form of Baptiſm is more eſſential to that Sacrament, than the Communion in both Kinds is to the Sacrament of the Euchariſt. Several Reflections might be made upon this; but I ſhall content myſelf with ſome hiſtorical Obſervations. 1. He ought to have been fully aſſur'd of this Fact, *viz.* that the Primitive Church chang'd the Form of Baptiſm preſcrib'd by Jeſus Chriſt. 'Tis true, that in the ſecond and eighth Chapters of the Book of the Acts of the Apoſtles, quoted by *Maurice*, mention is only made of baptiſing in the Name of Jeſus Chriſt; but 'tis not ſaid that the Apoſtles did not alſo baptiſe in the Name of the Father and the Holy Ghoſt, much leſs that they chang'd the Form preſcrib'd by Jeſus Chriſt. The Buſineſs in Hand, upon this Occaſion, was to oblige the Jews to own Jeſus for the Meſſiah; and therefore St. *Luke* only ſpeaks of baptiſing in the Name of Jeſus Chriſt in his Hiſtory, without making mention either of the Father or the Holy Ghoſt. 2. The Form preſcrib'd by Jeſus Chriſt had a particular Regard to the Nations; that is to ſay, to the Gentiles, who knew neither the Father nor the Holy Ghoſt; whereas the Jews owning the Father, and being Witneſſes of the Operations of the Holy Spirit, it was not ſo neceſſary to make expreſs mention of both. 3. Suppoſe alſo, what does not appear, that the Apoſtles did alter the Form preſcrib'd by Jeſus Chriſt; I imagine we ought to make a great Difference between the Authority of the Apoſtles, and that of the Doctors who afterwards introduc'd the Cuſtom of communicating in the Species of Bread alone. I leave it to thoſe skill'd in controverſial Arguments to examine which is the moſt eſſential, the Form of Baptiſm in this Sacrament, or the Species of Wine in that of the Euchariſt.

IN the ſixth Chapter, *Maurice* eſtabliſhes the Authority and Infallibity of general Councils, and conſequently the Right which they had to alter the Practice of the Communion in both Kinds. To ſay nothing of the Principle which will be diſputed with *Maurice*, I can hardly paſs over a Fact which he advances in this Chapter, namely, that the ſixth Council of *Conſtantinople*, and the ſixth of *Toledo*, pronounced in favour of the Communion in the Species of Bread alone. For this Point was not controverted in thoſe Councils; and the very Paſſages which the Author quotes from them, would be fair Arguments to prove, at leaſt, conſequentially, the contrary of what he pretends.

IN the ſeventh Chapter, I find a very particular Argument for with-holding the Cup, *viz.* that as it was heretofore only granted to Believers, as a Symbol of the Blood they were always ready to ſhed

shed for the Name of Jesus Christ, there was Reason for with-holding the Cup from them, when the Zeal of the Church for Martyrdom was abated. In the following Chapter, the Author endeavours to justify this with-holding of the Cup, by an Argument which would be more plausible if the Principle of it was well prov'd, *viz.* that the Body and Blood of Jesus Christ are both entire in each Species of the Sacrament, and particularly in the Species of Bread, Jesus Christ having said of Bread alone; *I am the living Bread, which came down from Heaven; if any Man eats of this Bread, he shall live for ever.* It was, says he, to confirm the Laity in this Faith, that the Church took away the Chalice from them, for fear they should imagine that Jesus Christ is more fully under both Kinds than under one alone. For, according to this Doctor, both Kinds are not necessary in the Sacrament of the Eucharist with respect to its Essence and Efficacy; and Jesus Christ only instituted them for a clearer and more ample Signification of several Mysteries which *Maurice* explains in the eleventh Chapter. But, continues he, as the Laity are too ignorant and stupid to perceive the Relation which there is betwixt the Sign and the Thing signify'd, the Church was in the right to reserve the Chalice, as a Privilege peculiar to the Clergy, who are more intelligent. As to this Passage in St. *John, Except ye eat the Flesh of the Son of Man, and except ye drink his Blood*, &c. *Maurice* explains it, as St. *Austin* did, of the Spiritual Manducation which is by Faith in the Passion of our Lord Jesus Christ. This was the very Passage that determin'd *Peter* of *Dresden* in favour of the Communion in both Kinds, and which engag'd him to reveal his Sentiments upon it to *Jacobel*. It was afterwards made use of to support the real Presence and Transubstantiation, but neither of them to any good Purpose, because the Eucharist is not at all intended in this Passage. And if *Jacobel* had not had Recourse to other Arguments, and other Scripture-Passages, to support the Communion in both Kinds, he would have acted very wrong to make so great a Flourish upon so slight a Foundation. From all these Principles, *Maurice* concludes his first Book, by affirming that the Laity are obliged to submit to general Councils, as well with regard to this Alteration, as with regard to others which the Church has made, not only in the Sacrament of the Holy Supper, but also in that of Baptism. Baptism, says he, for instance, according to the Institution of Jesus Christ, was only to be administer'd by the Clergy; but afterwards the Church thought proper to cause it to be administer'd, in Case of Necessity, by Women, and even by Jews and Pagans, provided they observe the Ceremonies of the Church, and are disposed to perform what the Church does. He mentions other Alterations which the Church has made, and which, he pretends, she has legally made, notwithstanding the Practice of the Apostles; such as the receiving the Communion [illegible]

1417.

1417. fasting, and not after having eaten; to communicate with leaven'd Bread, instead of communicating with unleaven'd Bread; and the forbidding of Priests to marry, though the Apostles and Primitive Bishops were marry'd. In his second Book, *Maurice* answers the Authorities which *Jacobel* quoted from the Scripture, the Fathers and Schoolmen, in favour of the Communion in both Kinds, and reports the Reasons or Inconveniencies which obliged the Church to with-hold the Cup from the Laity. But as these Answers contain nothing more than what is before mention'd in the first Book, and as the Inconveniencies which *Maurice* takes Notice of in the Communion in both Kinds, are the same that we mention'd when we gave an Extract from *Gerson* upon this Subject, we shall no longer insist on it, but resume the Thread of the History, by proceeding to the XLIId Session.

SESSION FORTY SECOND. Dec. 28. V. d Hardt, T. IV. p. 1417.

XX. THIS is the first Session in which *Martin* V. presided. The Emperor was present, with all the Princes, Prelates and Ambassadors. After the usual Ceremonies, the Cardinal of St. *Mark* read a Bull from the Pope, in which, by the Council's Approbation, he order'd, that *Balthasar Cossa*, the late Pope *John* XXIII, who had been a Prisoner at *Heidelberg* and *Manheim* for two Years and a half, should be discharg'd out of the Custody of the Emperor, and the Elector *Palatine*, and deliver'd up to the Pope. The Bull is directed to the Emperor in these Terms. Martin *Bishop, Servant of the Servants of God, to his most dear Son in Jesus Christ*, Sigismond, *the illustrious King of the* Romans, *Health and Apostolical Benedection.* In this Bull, the Pope declares that the Deposal of *John* XXIII. was canonical; that *Balthasar Cossa* is, by the Council's Approbation, deliver'd over to the Pope's Custody; and that the Emperor and the Elector *Palatine* are discharg'd from that Care, as they had earnestly desir'd. It was approv'd by a *Placet*, which the Bishop of *Ostia* pronounced in the Name of the Council (1). That was all that pass'd in this Session. V. d Hardt, T. IV. p. 1502. For it does not appear, by the Acts, that this was the Day on which *Henry de Beaufort*, Son to the Duke of *Lancaster* and Bishop of *Winchester*, was declar'd Cardinal by *Martin* V. and his Legate in *Wales* and *Ireland.* Mean time, the History of *England* says expressly, that this Bull of the Pope was read in the Council, and that the Pope gave no Title to the new Cardinal, but only promised to publish this Creation, and to send him the Ensigns of his Dignity in due Time and Place. 'Tis certain, that this Legateship was contested in

(1) In the Publick Acts of *England*, there's *Sigismond*'s Letter to the Elector *Palatine*, to deliver *Balthasar Cossa* into the Hands of *Martin* V. *Rymer*'s *Fœdera*, Vol. IX. p. 538. It is plain, from the said Acts, that *Balthasar Cossa* had also been committed to the Custody of *Henry Beaufort* Bishop of *Winchester*; for there is the Discharge which was granted him from that Care by *Martin* V.

*England*

*England.* *Henry Chicheley* (1) Archbiſhop of *Conterbury*, wrote to the King to tell him, that this Undertaking of the Pope to ſend a Legate to *England* was contrary to the Laws of the Kingdom, as well as contrary to the Privileges of the Primate of *England*, and adviſed him to forbid the Biſhop of *Winchester* to aſſume the Title of Cardinal Legate. Nevertheleſs, he was confirm'd in this Dignity in 1426, after the Death of King *Henry* V, though not without ſome Oppoſition. This was all that paſs'd this Year worthy of Remark. I ſhall only take Notice here *en paſſant* of the Death of the Emperor's Great Chancellor, who died at *Conſtance* the 5th of *December*. His Obſequies were perform'd *January* 5, 1418; and *George de Hohenloh* Biſhop of *Paſſau* ſucceeded him in that Dignity. 1417. Ex Theod. à Niem. l. 4. c. 39.

THE preceding Years were remarkable for conſiderable Events, which were worthy of the Publick Attention. They were Years of continual Action and Hurry. The Emperor, Princes and Prelates effectually beſtirr'd themſelves for the Union of the Church, and the three Rival Popes were obliged to reſign the Chair to a Pope elected canonically. This Year too no leſs deſerves the Attention of the Publick, but 'tis for a very contrary Reaſon. Little or nothing was done in it; and we ſhall find as great a Buſtle was made, in order to do nothing at all, and to ſhift off the Reformation of the Church, as was made for the Deſtruction of *John Hus* and *Jerome* of *Prague*, whoſe only Crime was, perhaps, their having talk'd too freely of the Corruption of the Church, and their having demanded its Reformation with too much Boldneſs and Paſſion. 1418.

XXI. THE Pope began the Year with the Celebration of Divine Service, and gave a ſolemn Benediction to all the People. On New-year's Day alſo the Emperor conferr'd the Honour of Knighthood on *Henry de Ulm* Conſul of *Conſtance*, in Acknowledgment for the great Services which he had done to the Council. The Solemnity was perform'd in the Cathedral, where the Emperor placed himſelf before the Altar, the Pope and Cardinals all ſitting round him. The Conſul kneeling before the Emperor, he took his Sword, and, after having ſtruck him with it three times upon his Shoulders, he bad him riſe up, and gave him a Belt embroider'd with Gold. The Ceremony concluded with a Regale which the Pope gave to the Emperor, the Princes, and all the Court, as well as to the Cardinals and Prelates. The new Knight was alſo one of the Guelfs. *Dacher* ſays, that on the 7th of *January* *Louis de Dole*, Patriarch of *Aquileia*, arriv'd with his Brother [illegible] The Emperor creates a Knight. [illegible]

(1) He was choſen Archbiſhop of *Canterbury* by the Monks in [illegible] and confirm'd in the Year following by *John* XXIII. For generality of Hiſtorians, and, [illegible]

(2) Pluto. *George Stolych Faes*, [illegible] *Henry de Candia* [illegible] *Henry de Beaufort* [illegible]

1418. *de Deck*, and that several Cardinals, with the other Patriarchs, Archbishops, Bishops, all the Clergy, the Princes and great Lords, went to meet them, except *Sigismond*, who was indispos'd.

The Pope acknowledges *Sigismond* for King of the *Romans* *Jan.* 24.

XXII. SOME time after this, the Pope assembled a general Congregation of the Cardinals, Patriarchs, Archbishops, and all the Prelates, as well as of the Princes and Nobility, for the solemn Recognition of *Sigismond* King of the *Romans*. After the Pope had celebrated the Mass, and the Bishop of *Coire* had made a Speech to the Assembly on the Part of the Emperor, the latter fell on his Knees before the Pope, who own'd him for lawful King of the *Romans*, and declar'd, that by his Apostolical Authority, he supply'd all Deficiencies that might have happen'd in his Election. After this, *Martin* put a Crown of Gold into the Hands of the Cardinals *d'Ostia* and *des Ursins*, who, at the same time, placed it upon the Head of *Sigismond*. This Ceremony being ended, an Act was read, whereby *Sigismond* promised to be true to the Apostolical See, and swore it upon the Cross. After which, the Pope, on his Part, gave *Sigismond* his Hand, and promised to have all the Respect and Regard for him that were due to an Emperor. Here it must be observ'd, that the Coronation of *Sigismond* at *Constance* was only a Confirmation of his Coronation at *Aix la Chappelle*. For, in those Days, the Emperors only bore the Title of the King of the *Romans* till they were crown'd Emperors at *Rome*, where *Sigismond* was actually crown'd by *Eugene* IV. in 1433.

WE will take this Oportunity to give the Opinion of an Author of some Weight, concerning the *Imperial Crowns*, which, perhaps, the Reader will not be sorry to see. The Writer I mean is *Æneas Sylvius*, celebrated for his Learning, his Works, his Negociations, his Employments, and for the Inconstancy he discover'd after he had been elected a Pope by the Name of *Pius* II. (1). In his History of the Emperor *Frederick* III. (2), at whose Coronation he attended, he declares as follows. 'I will here, in a few Words, say something about 'the *Crowns*, lest it should be imagin'd that I am silly enough to 'give into the Opinion of those who think that the Emperor ought 'to receive three Crowns, *viz.* the *Teutonick*, that of *Milan*, and 'that of *Rome*, the first of Silver, the second of Iron, and the third 'of Gold; which has given Rise to a world of Dissertations upon 'those Metals. The Canon Lawyers themselves are guilty of very 'whimsical Notions in their Explanation of what each of those Metals signifies. They say, for instance, that as Gold is the most pre-

(1) Witness the Saying, *Quod Æneas probavit, Pius damnavit, i. e.* What *Æneas* approv'd, *Pius* condemn'd.

(2) *Æn. Sylv. Hist. Fred.* III p. 151, 152, 153. This Work was compos'd when *Æneas Sylvius* was but a Bishop.

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'cious of all Metals, ſo the *Roman* Empire (1) has the Advantage 1418.
'of all the other Empires. But whatſoever Matter the Crown may
'be made of, there will always be Room for Allegory. For my own
'Part, I am aſſur'd that there is no certain determinate Number of
'Crowns; and we don't find that the ancient Emperors, from the
'Reign of *Auguſtus* to *Aurelian*, were crown'd. For, according to
'*Eutropius*, *Aurelian* (2) is the firſt that incircled his Head with a
'Diadem, or that wore a Habit ſparkling with Jewels, and embroider'd
'all over with Gold. We know that the Diadem was in Uſe before
'the Crown, and that the one is ſomewhat different from the other.'
But after the Popes crowned the Emperors at *Rome* (3) . . . there is to be no other Crown for the Empire but that of *Rome*. Mean time, as the Kingdom of *Germany* appertains fully and wholly to the Empire, it has been thought fit to crown the Emperor at *Aix la Chapelle (Aquiſgranum)*, which is the Capital City of this Kingdom, in Quality of King of *Germany*, for fear it ſhould ſeem that the *German* Nation had been depriv'd of an Honour which belongs to it (4). The ſame Obſervation is made with Regard to the Kingdom of *Lombardy*, which, after the Reduction of the *Lombards*, was erected into a Kingdom inſtead of a Province, and united to the Empire. Ancient Writers have made the ſame Obſervation with Regard to the Kingdom of *Burgundy*, which, we are told, *Boſon* (5) deliver'd up to the *Roman* Emperors, the Kings whereof were crown'd at *Arles*. I fancy that it would be the very ſame thing if any other Crown devolv'd to the Emperor. Now I know very well that all theſe Crowns are of Gold; though in the Middle of the *Milan* Crown there's a little Plate of Iron, in Form of a Circle, which has given Occaſion for a *fooliſh Interpretation (ſtultæ Interpretationi)*. For the Prophet *Daniel*, in deſcribing the four largeſt Kingdoms, compar'd the laſt of them, which our Wiſeacres pretend to be the *Roman*, to Iron; becauſe as Iron breaks all Metals, ſo the *Roman* Empire has broke all other Kingdoms to Pieces. But at this Time of Day *(prob Dolor!)* (6) the leaſt Power upon Earth hurts it, ſo that its Feet ſeem to be of Earth or Clay. So much for Crowns.

XXIII. THE Pope had now been choſen almoſt two Months, and the Reformation was as far off as ever. The Nations began to be

Memorial of the *Germans* for the Reformation.

(1) By this you are to underſtand the See of *Rome*.

(2) *Iſte primus apud Romanos Diadema capiti innexuit gemmiſque & auratâ omni veſte, quod adhuc fere incognitum Romanis moribus videbatur, uſus eſt.* This is a Quotation from *Aurelius Victor Epitom.* p. 93, and not from *Eutropius*.

(3) There is ſomething wanting in the Text of *Æneas Sylvius*, where 'tis ſaid, *Verum poſtquam Romani Pontifices Romæ.*

(4) *Cæſares coronare*

(5) *Boſon* was King of *Arles* in the IXth Century. See *Theodoric de Niem* concerning the Emperor's Right to *Burgundy*. *De Vitâ & Fatis Balth.* Lib. III. c. 33. *ap. V. d. Hardt*, T. II. p. 447.

(6) *Parva quævis potentia ei gravis eſt.*

1418. very impatient at a Delay which they could not but ſee was ſtudy'd, becauſe *Martin*, ſince his Election, had taken due Care of other Affairs, wherein his own Intereſt was concern'd. The *Germans*, in particular, had made ſo great a Sacrifice in the Conclave in favour of a Union, that they might well expect ſome Regard to be paid to their Demands touching the Reformation. Therefore they gave in a Memorial upon it to the Pope, which was found in MS. in the Library of *Gotha*. It conſiſted of eighteen Articles, that chiefly related to the Reformation of the Pope, and of the Court of *Rome*, which was the only right Way of beginning the Work; for if once they had reform'd the Head, the Reformation of the Members would have been much more eaſy. Moreover, Time was preſſing; the Council had now been aſſembled above three Years; every Member of it long'd for Retirement; there was a Neceſſity therefore of doing what was moſt in Haſte, and leaving the reſt to another Time. Theſe were the eighteen Articles of the Memorial.

THE firſt relates to the Number, Quality and Nation of the Cardinals. The *Germans* think that the Cardinals ought to be reduced to the Number of eighteen, though they will not oppoſe the Number twenty four if the other Nations think fit. As to their Qualifications, they require that they ſhould be Men of Learning, good Behaviour and Experience in Affairs. That four of them, at leaſt, be Doctors of Divinity, and the others Doctors of the Canon and Civil Law, except a very few, who may be of Royal Blood, or the Sons of ſome Prince. Beſides, the Cardinals ought not to be too nearly related, or ally'd to any Cardinal living; nor ought there to be more at a time than one of any one religious Order. They all ought to be born in lawful Wedlock, without any remarkable Deformity in their Bodies, and without Blemiſh in their Lives. Finally, the *Germans* would have the Cardinals choſen out of every Nation, as far as poſſible, without Partiality; and that the Election be not made privately, but in full College, and by the Concurrence of the Cardinals.

THE ſecond, third, fourth and fifth Articles relate to the Reſervations of the Court of *Rome*, the Collation of Benefices, the Confirmation of Elections, and the *Annates*. As to theſe Articles, the *German* Nation refers to the Memorial which they had deliver'd to the Cardinals appointed by the Pope for the Reformation of the Church. In this Memorial, they had demanded that the Pope, or the Apoſtolical See, only reſerve thoſe Benefices to themſelves which they have a Right of reſerving by the Settlement of the Canon Law: That, according to the Decree of the ancient Councils, and the Intention of thoſe who had founded and endowed Churches, the Right of Elections, Confirmations, Collations, Proviſions, Preſentations, *&c.*

in

in Archbiſhopricks, Biſhopricks, Abbeys, and other Dignities or Pre- 1418.
lacies, which are not reſerv'd to the See of *Rome* by the Canon Law, be left in the Metropolitans, Biſhops, Prelates, Chapters, Colleges, and other Patrons or Collators, ſaving the Right of the ſaid See, with Regard to the Churches and Monaſteries which hold of it immediately, or by Privilege of Exemption: That the exorbitant Reſervations ſet down in the Rules of the Chancery ſhall be aboliſh'd: That nevertheleſs, when a Collator has more than five Benefices in his Gift, the See of *Rome* may grant a *Gratia Expectativa*, or *Reverſionary Grant*, for one or two of thoſe Benefices, with this Clauſe, *If we have not already wrote down for another.* As to the *Annates*, as far as I can underſtand the Memorial, which is very obſcure in this Place, it ſeems to me that the *Germans* grant them abſolutely, with regard to ſuch Benefices as hold immediately of the See of *Rome*; and that as to the other Benefices, they conſent to the Payment of the *Annates*, as they are rated by the Court of *Rome*, till the Patrimony of the Church is recover'd, on condition, however, that the Tax be moderated when it becomes exorbitant. As to the *leſſer Services*, which conſiſt in the Fees of the Officers of the Court, or of the Chancery, for Diſpatches, they are reſtor'd to the Footing they were on before the Schiſm. And if it happens that a Benefice becomes vacant twice, the *Annate* for it ſhall only be paid once; nor ſhall it be paid for the Vacancies of ſmall Benefices, which, according to the Tax, do not exceed thirty Florins. 'Tis alſo the Intention of the Memorial, that all Debts incurr'd on Account of the *Annates*, be releaſed or remitted.

THE ſixth and ſeventh Articles related to Cauſes which may be try'd by the Court of *Rome*, and Appeals to the ſaid Court. As to the former, 'tis demanded, that hereafter no more Cauſes be admitted at the Court of *Rome* with this Clauſe, *Though this Affair be not of ſuch a Nature as is cognizable at the Court of* Rome. That the Apoſtolical See ſhall no longer judge of any Affair that is purely civil between Laymen who are not Subjects of the Church of *Rome*, as to Temporals, under any Pretence whatſoever, except in theſe Caſes. If, for inſtance, 'tis a Cauſe between Members of the *Croiſado*, who paſs through *Rome*, or ſojourn there, as they are going to the Relief of the Holy Land; if it appears, from Evidence, that the Secular Judge has neglected the Affair; or if it be referr'd to the Deciſion of the Court of *Rome* by Conſent of the Parties: That Pecuniary Cauſes, even ſuch as appertain to the Eccleſiaſtical Tribunal, ſhall not be brought before the Court of *Rome*, when the Money in Diſpute does not exceed above a hundred Crowns of Gold; nor Beneficiary Cauſes, when the Sum in Diſpute does not exceed fifteen Marks of Silver, though it ſhould be pretended that the Benefice was conferr'd by

1418. Apoſtolical Authority: That matrimonial Cauſes ſhall not be brought before the Court, unleſs it be between Perſons of the firſt Rank, but in caſe of the Neglect of the Lay Judge, or with the Conſent of the Parties. As to Appeals to the Court of *Rome*, they ought never to be admitted, without very great Circumſpection. The Pope ſhall inquire into the Reaſons of it, and make the Appellant ſwear that he has not appeal'd, either to protract the Affair, or to oblige his Adverſary to compound the Matter or to drop the Proceſs, nor for any other Motive of Intereſt, but from pure Neceſſity. And if it appears that the Appellant has not made a proper Appeal, the Cauſe ſhall be referr'd to the ordinary Judge, and the Appellant condemn'd to pay Coſts, or to ſuffer ſome Puniſhment of another Nature.

THE eighth treats of the Officers of the Chancery and Penitentiary. They demand that the Proceedings, eſpecially thoſe which relate to Suits in Beneficiary Cauſes, may be ſhorten'd, to the end that the Treaſure of the Church may not be ſpent in Law, contrary to the Purpoſes for which it was left: That while the Proceſs is depending, particular Commiſſions be not appointed to the Prejudice of either of the Parties, unleſs it be after they have been heard in a publick Conſiſtory: That the Salary of the Officers of the Chancery be re-eſtabliſh'd on the old Footing, according to the Opinion of the Reforming College: That the Officers of the Chancery and Penitentiary be choſen out of ſeveral Nations: That Confeſſion Chairs be not multiply'd, and that none be Confeſſors but thoſe who have the Cure of Souls: That the Archbiſhops, Biſhops, the Abbats and Prelates of thoſe Places which hold immediately of the Apoſtolical See, may take Cogniſance of Caſes reſerv'd to the ſaid See, how grievous ſoever they may be.

THE ninth Article treats of the Exemptions and Unions of the Churches, or Benefices, that were made during the Schiſm. As to the Exemptions from the Juriſdiction of the Ordinaries, 'tis demanded, in this Memoral, that all thoſe which were made during the Schiſm, without the Conſent of the Ordinaries, or without having heard the Parties and examined the Cauſe, be entirely made void, but eſpecially the Privileges which derogate from the Conſtitutions of *Innocent* IV. and *Clement* V; and that all thoſe which are made for the future without mature Deliberation, ſhall be of no Validity. The ſame thing is demanded with regard to the Unions, or Incorporations of Churches.

THE tenth Article relates to the Commendams. In order to underſtand this Article, it muſt be obſerv'd, that heretofore Commendams were only Livings veſted in Truſt. Let us hear *M. Marſolier* upon this Subject, in his excellent *Treatiſe of the Origin of the Tenths.* ' When an elective Benefice, ſuch as a Biſhoprick, Abbey, or even ' any

*Marſolier's Origin of the Tenths, p. 57.*

'any other Benefice which depended on a Patron, happen'd to be 1418.
'vacant; and when, for good Reasons, they could not presently fill
'it up, he who had the Right of Presentation recommended it to
'some Person of Merit to hold it till he had disposed of it to the
'next Incumbent. Besides, that this Person had no Right to pocket
'the Revenues which were recommended to him, as he had gene-
'rally the Care of another Church of which he was Incumbent, the
'Commendam could not but be a Charge to him: Therefore upon
'this Occasion his Revenue was in some Measure augmented. It
'would have been very improper to have said, that the Person who
'held the Benefice by Commendam was Proprietor of the Benefice
'which was thus recommended to him, only for a time. Nevertheless,
'the Canon Lawyers took Occasion from thence to assert, that one and
'the same Person might enjoy two Benefices; the one as an Incumbent,
'the other in Commendam. At first, the Commendam lasted no longer
'than the Difficulties were remov'd, and the vacant Benefice fill'd
'up. They were afterwards extended, which gave Occasion to the
'Popes to order that the Bishops should not enlarge the Time of
'the Commendam beyond six Months. Nevertheless, this was not
'a Law for them; for it was pretended, that when the Pope had a
'mind to give a Benefice to any Person who had not the necessary
'Qualifications, either in respect of Age, or because the Benefice
'was Regular, and the Person to be prefer'd to it a Layman, or for
'any other Reason whatsoever, the Commendam granted by the
'Pope might continue as long as he pleased; and till such Time as
'the Person he had a mind to gratify had acquir'd all the Qualifi-
'cations requisite for the Benefice in Question.' The *Germanick* Na-
tion is of Opinion therefore in this Memorial, that unless there be a
manifest Necessity, no Cathedral, Conventual or Parochial Church,
nor any Benefice with Cure of Souls, nor any Hospital, or other
Place set apart for Exercises of Hospitality, should be given in Com-
mendam but for a very short time. That if, however, the Pope
thinks fit to do it of his plenary Power, the Person prefer'd to it
shall not only be inducted to it verbally, and by Letters, but really
and actually; to the end that the Cure of Souls, and the Divine Ser-
vice, may not be neglected; that the Ecclesiastical Edifices and Estates
may not run to ruin; and that the Poor may be maintain'd.

THE eleventh and twelfth Articles relate to the *Intermediats*;
that is to say, the Revenues during the Vacancy of the Benefices,
and the Alienations of the Estates of the Church of *Rome*. As to
the first Article, they are of Opinion, that the Revenues of the
great and small Benefices ought to be reserv'd for the Churches, and
for the Successors to the Benefice, for the Supply of the Ne-
cessities, and for the Ease of the Burdens of those same Churches, and
that

1418. that neither the Pope, nor any Eccleſiaſtick, ought to uſurp them, or to challenge them, without evident Neceſſity. As to the ſecond Article, they are of Opinion, that the Popes ought to promiſe not to alienate either the Eſtates of the Church of *Rome*, or thoſe of other Churches; and that the Archbiſhops, Biſhops and Abbats, who hold immediately of the Holy See, ſhould depoſe all ſuch as are convicted of any ſuch Alienations, and puniſh the Chapters and Perſons thereunto giving their Conſent.

THE thirteenth and fourteenth Articles relate to the Caſes wherein the Pope may be cenſur'd and depos'd. 'Tis the Opinion of the *German* Nation, that a general Council may puniſh and depoſe a Pope, not only for the Cauſe of Hereſy, but alſo for notorious Simony, and for any other grievous Crime which has given Scandal to the Church, and which the Pope has refuſed to amend, after having been thereto admoniſh'd canonically. They are alſo of Opinion, that the Pope, with Advice of the Council, ſhould publiſh a Conſtitution, declaring, that every Pecuniary Contract, not only with regard to the Sacraments, but alſo with regard to Eccleſiaſtical Benefices, ſhall be reckon'd Simony. From thence they proceed to the Article of Simony; and upon that Head they demand, that it be remedied for the future, by enjoining very ſevere Penalties upon thoſe who ſhall thereof render themſelves guilty, either at the Court of *Rome*, or elſewhere. And as to ſuch Simony as may have been committed for the Time paſt, foraſmuch as it was general, and as too many would be found guilty, they think it may be pardon'd, or, at leaſt, treated with leſs Severity before the Tribunal of Conſcience.

THE fifteenth, ſixteenth, ſeventeenth and eighteenth Articles treat of Diſpenſations, Indulgencies and Tenths. As to the firſt Article, they aboliſh all Diſpenſations granted for Benefices that are incompatible, upon Account of Age or Birth, and Marriages within the prohibited Degrees; and all this according to the Opinion of the *Reforming College*. As to plenary Indulgencies, they make void all thoſe which have been granted illegally during the Schiſm; and they demand that no more be granted but for important Reaſons, and with the Qualifications of the Perſons, and the Circumſtance of the Fact expreſs'd. As to the Tenths, they do not think that they ought to be impoſed but by the Conſent of a Council, and for very urgent Neceſſity. This Memorial of the *German* Nation was, without doubt, very moderate, and left Scope enough ſtill for the Popes and the Court of *Rome* to have gratify'd their Avarice and Ambition, if theſe had not been boundleſs. Moreover, 'tis drawn up with ſo much Caution, that there was not a ſingle Article wherein the Pope could find any Pretext for ſhifting off the Reformation.

XXIV. THE

XXIV. THE *French* were every whit as uneasy as the *Germans* at these Delays, though they were more obliged to bear with them, because they had been partly the Cause thereof, by joining, in spite of the Emperor, with the *Italians*, the *Spaniards* and the Cardinals, for putting off the Reformation till after the Election. Nevertheless, they waited on the Emperor, and importun'd him to press the Pope to give the finishing Stroke to this great Work. They richly deserv'd the Answer he made to them. *When I urg'd you that the Church might be reform'd before the Pope was elected, you would never come into it. You would needs have a Pope before the Reformation. You have one now as well as we. Go to him yourselves. As for me, I have not now the same Interest in the Affair as I had while the See was vacant.* 1418. The *French* apply to the Emperor to engage the Pope to reform the Church *Jan.* 12 *Cob Pers.* VI. p. 348. *Ed. Mediol. Giron. Engelf.* p. 298.

XXV. THE *Spaniards* were equally zealous for pushing on the Affair of the Reformation, from the same Principle of Interest almost as the *Germans* and the *French*; and *Martin* V. had a particular Reason not to contemn the Remonstrances of the *Spaniards* on this Head. Though they had abandon'd *Benedict* XIII, yet they still favour'd him under-hand, with a View to return to his Obedience, in case they could not get Satisfaction from the new Pope; therefore they talk'd with more Liberty than the others. Not content with grave Remonstrances, they publish'd very sharp Writings against Simony, wherein they even publickly menac'd the Pope, if he would not correct this Abuse. Among the Acts of the Council of *Constance*, which are in the Library of *Leipsick*, there's a MS. of one of those Satyrs, which deserves to be printed at full Length, because of its Wit and Humour. The *Spaniards* press for the Reformation.

XXVI. *MASS against Simony.*

'A certain Man fancy'd he was going in Pilgrimage to the Church 'of the Holy Cross at *Rome*. When he was almost there, he saw 'the House of a Peasant, nam'd *Simon*, which was higher than that 'Church, tho' the House had yet no Roof. While he was wondering 'at the Height of it, a Person came to him and said, *Be no longer 'surpriz'd; do but sit down here, and write a new Mass, or a new Of-'fice touching Simony: For the House which you see represents the State of* 'Simon *the Magician, who is always for setting himself above the Church.*' He sat down, and fell to writing. Satyr of the *Spaniards* against the Pope

THE BEGINNING (1). Let us all bewail in the Lord the sad Times we live in; let us sigh at the horrid Simony which prevails at this Day. Poor wretched human Beings mourn at it, and openly complain of it, according to this Saying, *My Heart is belching a good Matter*; that is, Simony, a Word which is harsh in the Pronunciation. *Gloria Patri.*

(1) The *Introit*, or Beginning, is the first integral Part of Mass.

O GOD [illegible]

1418. O GOD (1), who, by reaſon of the Sins of the People, and by the little Care that is taken to diſtinguiſh the good from the bad, haſt ſuffer'd Simony to make great Progreſs, and to bear Sway, where Godlineſs ought to be on the Throne, to permit the Churches to be tax'd, Benefices to be reſerv'd, Elections aboliſh'd, and the Sacraments bought and ſold; we intreat thee to purge the Church from this Filth, and to grant to thoſe who are guilty of Simony the Grace of Converſion, or, if they refuſe to be converted, to ſtrike them with the ſame Sword with which the bleſſed St. *Peter* ſmote *Simon* the Sorcerer, and *Eliſha* ſmote *Gehaſi*. *Through the Lord.*

THE LESSON (2). 'And there came one of the ſeven Angels, which had the ſeven Horns, and talk'd with me, ſaying, 'Come hither, *I will ſhew unto thee the Judgment of the great Whore, that ſitteth upon many Waters, with whom the Kings of the Earth have committed Fornication, and the Inhabitants of the Earth have been made drunk with the Wine of her Proſtitution.* So he carry'd me away in the Spirit into the Wilderneſs: And I ſaw a Woman ſit upon a Scarlet-colour'd Beaſt, full of Names of Blaſphemy, having ſeven Heads and ten Horns. And the Woman was array'd in Purple and Scarlet Colour, and deck'd with Gold, and precious Stones and Pearls, having a golden Cup in her Hand full of Abominations, and the Filthineſs of her Fornication.'

THE GRADUAL (3). Lord, who ſhall abide in thy Tabernacle? who ſhall dwell in thy Holy Hill?

VERSE. *He that walketh without the Blot of Simony, and worketh Righteouſneſs after God's own Heart.* Hallelujah.

HE hath waxed fat; he hath grown thick; he hath lifted up his Heel againſt God. He hath forſaken the Lord which made him; he hath given up his Heart to the Iniquity of Simony.

THE SEQUENCE (4). St. *Matthew*'s Goſpel, *cap.* x. Jeſus ſaid to his Diſciples, *Go preach the Goſpel, ſaying the Kingdom of Heaven is at hand. Heal the Sick, raiſe the Dead, cleanſe the Lepers, caſt out Devils, freely give what ye have freely receiv'd, carry neither Gold nor Silver in your Purſe.*

THE OFFERTORY. They all ſeek their own Intereſt, and not the Intereſt of Jeſus Chriſt.

THE SECRET PRAYER. O God, who, according to thy abundant Goodneſs, haſt commanded the Sacraments and Eccleſiaſtical Benefices to be given freely, grant the Grace of Converſion to ſuch as ſell and buy them; and, if they will not be converted, deal with

(1) This Prayer is call'd a Collect.

(2) *Revelation* xvii. I make uſe of the *Port Royal* Verſion.

(3) This is one of the Parts of the Maſs ſo call'd, becauſe it muſt be ſung upon the Pulpit Stairs.

(4) This is another Leſſon.

them

them according to their Iniquity, that their Betters may take their Biſhoprick. *Through our Lord.* 1418.

THE COMMUNION. If my Nephews do not lord it over Eccleſiaſtical Benefices that are ill gotten, I ſhall be without Spot, and ſhall be clear from the great Stain of Simony.

THE *Completes* (1). O Lord, who haſt imparted thy Gifts to us freely, we pray thee, that ſuch as ſell and buy the ſaid Gifts, may immediately have the Fate of *Judas*, who ſold thee, O Lord, who doſt live and reign with God the Father, in the Unity of the Holy Spirit.

AT the End of this Maſs are theſe Words: *This Maſs ought to be ſung immediately after the Feſtival of St.* Peter's *Chair* (2).

WHEN it was written, he who dictated it ſaid to the Scribe: 'I command you, in the Name of the true Spouſe of Jeſus Chriſt, 'ſpeedily to impart the above written to King *Alphonſus*, that he 'may preſent it boldly, and without Delay, to the Pope, and that 'he may beſeech him, in the Name of God, that, in Quality of Pa-'ſtor and Head of the Church, he may himſelf pray, and cauſe 'others to pray, that this curſed Ruſt of Simony may be taken off 'from the Church. For I am ſure, that the Smoke of Simony is 'aſcended to Heaven, and that the Divine Juſtice is ſo incens'd at it, 'that if this Pope does not remedy it, let him know, that he ſhall 'be ſorely wounded; that he ſhall quickly fall to the Ground; that 'his Power ſhall be trampled under Foot, and reduced to nothing: 'Whereas, if he corrects this Abuſe, he ſhall reign upon the Throne 'of the Church, and triumph over his Enemies. Mean time, let him 'know, that he was not advanc'd to St. *Peter*'s Chair by his own Vir-'tue, but by the Permiſſion of God, to reform the Church with 'Humility and Severity by exerciſing his Power againſt ſuch as 'ſhall diſobey his Orders (*a*).

(*a*) *V. d. Hard.* T. IV. p. 1515.

XXVII. THE Pope ſeeing therefore that there was no Way left to ſhift off the Reformation, deliver'd in a Plan of it about the End of this Month, to be examined by the Deputies of the Nations. It turn'd upon the eighteen Articles, which had been preſented to him ſome Days before by the *German* Nation; and, upon all theſe Articles, he keeps pretty cloſe to the Memorial of the *Germans*. As to the Cardinals, he fixes the Number of them to twenty four; ſave that, for this time only, in order to gratify the Nations who had no Cardinal, it ſhould be thought fit to add one or two, with the Advice and Conſent of the Cardinals. The Pope is willing that they ſhould be wiſe and learned Perſons, and Doctors of Divinity or Law, except

The Pope lays before the Nations a Plan of Reformation [illegible] *Hard.* T. IV. p. 1515. *Spond. an. Fleury Hiſt. Eccl.* [illegible]

(1) This is ſaid after the Sacrament, and is call'd the *Poſt Communion*.

(2) This Feſtival is celebrated in the Church of *Rome* on the 18th of *January*.

1418. some who may happen to be of Royal or Ducal Race, and of noble Blood; but that, however, the latter should have some Learning; that they be not the Brothers or Nephews of any Cardinal living; that they have no bodily Defects *(corpore vitiati)*; that they be not elected clandestinely, but that the Election be made in full College, as in the Promotion of the Bishops; that finally the same Method may be observ'd when any Cardinal is made a Bishop. As to the Collation to Benefices, the Pope only proposes to reserve it to himself in Cases that are express'd by the Law, and by the Constitutions of *John* XXII. (1) in 1317, and *Benedict* XII. in 1335, by observing the necessary Limitations.

Of Reservations. XXVIII. THAT the Officers be reduced to the usual Number; that the Benefices of *Chaplains of Honour* be not reserv'd, unless they are Masters of Arts, Doctors, Licentiates of Divinity, the Canon or Civil Law, the Disposition whereof specially appertains to the Pope; that Elections be made canonically in Churches and Monasteries; that as to Monasteries which are not exempt, the Revenues of which do not exceed one hundred and fifty Livres *Tournois* out of *Spain* and *Italy*, or which in *Spain* and *Italy* do not exceed sixty Livres, the Collations to and Corfirmations of the same be made by the Ordinaries, according to the Canons; that as to the Monasteries, which exceed the said Sums, and as to Cathedral Churches, the Elections thereto be left to the Apostolical See, and that the Pope stay before he gives his Consent to them till the Term prescrib'd by *Nicholas* III. (*a*); that at the Expiration of the said Term, if the Elections are not presented, or if, after such Presentation, they are not found to be canonical, the Pope shall fill up such Vacancy; but if they are canonical, he shall confirm them, unless that, for valid Reasons, and by the Advice of his Brethren, he think fit to choose a better Subject; that, in the mean time, such as shall be confirm'd and collated by the Pope, shall nevertheless take the Oath, and do Homage to the Metropolitans and Superiors; that the Pope shall not dispose of the Monasteries of the Nuns, unless they are exempt; that none shall be advanced to the Order of Episcopacy but Doctors or Licentiates, after having pass'd a strict Examination in Divinity, and the Canon or Civil Law, nor to other inferior Dignities in Cathedral and Collegiate Churches (2), unless that, by reason of the Smallness of their Revenues, no body should be willing to accept them after a Month's Vacancy; that as to the Dignities, Offices and Benefices, Secular and

(*a*) *Sext. Decret* Lib. I. Tit VI. cap XVI.

(1) This is what the Canon Law calls *Extravagantes*, because they are not in the Body of that Law. See the *Extravagante of Bened* XII. *V. d. Hardt*, T. I p. 1038.

(2) These are Churches where there is no Episcopal See, and which are serv'd by the Canons.

Regular,

Regular, half shall be at the Disposition of the Pope, and a third Part at the Disposition of the Ordinaries (1); that the Pope shall lay no Claim to the Benefices vacant by mere Relignation or Exchange; that he shall not grant Reversions but for a single Benefice, unless it be in *Italy*, in *Spain*, and other Places, where they are small, nor for the Dignities below Episcopacy, in the Cathedral, Collegiate and Conventual Priories (2); that certain Prerogatives shall be granted to the learned Clergy, according to the Date of the Chancery, and that the Graduate shall be preferr'd to the Under-Graduate, and the Diocesan to him who is not so; that for the future, with the Council's Approbation, the Churches, Monasteries and Dignities, shall be fill'd up in twenty Days time, notwithstanding the Absence of those who have the Right of Election. 1418.

XXIX. As to the *Annates*, the Pope orders, that, for the Maintenance of the Sovereign Pontiff and his Brethren, the Cardinals, the Churches and Monasteries of Men, that are or shall be vacant, shall pay for the first Year's Fruits, after the Vacancy, the Sums that are tax'd in the Books of the Apostolical Chamber, which are call'd the *Common Services*, and that if any thing is wrong tax'd, the Tax shall be reform'd; and, for that Purpose, Commissioners shall be nominated, who shall adjust Matters according to Times and Places, especially in Countries which are over-charg'd; that one Moiety of those Taxes shall be paid in the first Year of the Possession, and the other Moiety in the Year following; that if a Benefice happen to be vacant twice in one Year, the same shall be paid but once, and that this Debt shall not descend to the Successor in the Church or Monastery. As I don't well understand the last Article, which relates to the *Annates*, I will put it in the Margent in *Latin* (3). *Of the Annates.*

XXX. SUCH Causes as do not belong to an Ecclesiastical Tribunal, by Law or Custom, ought not to be admitted at the Court of *Rome*, unless the Parties give their Consent. Those which do belong to the Ecclesiastical Tribunal, and which have come before the Court of *Rome* by Appeal or otherwise, shall be try'd at this Court. Matrimonial Causes shall not be try'd at the Court of *Rome*, except by way of Appeal. In order to avoid the making of frivolous Appeals before the definitive Sentence, we order, that such as shall appeal *Of the Causes which are to come before the Court of Rome.*

(1) *Duæ partes sint in dispositione Papæ, & tertia pars remaneat in dispositione Ordinariorum.*

(2) The Priories of Convents are so call'd to distinguish them from simple Priories.

(3) De cæteris autem Dignitatibus, Personatibus, Officiis & Beneficiis secularibus & regularibus quibuscunque, quæ auctoritate Sedis Apostolicæ conferentur, vel providebitur de iisdem, præterquam vigore gratiarum expectativarum aut causa permutationis, solvatur valor fructuum primi anni pro media parte infra sex menses a die habitæ possessionis: Et infra alios sex menses pro alia parte.

1418. unjuſtly, ſhall be condemn'd to pay a Fine of ten Florins, beſides Coſts, Damages and Intereſt (1).

Of the Exemptions and Unions made during the Schiſm

XXXI. CONSIDERING that, ſince the Death of *Gregory* XI, ſome *Roman* Pontiffs, or Perſons, calling themſelves ſuch, and, in effect, ſo eſteem'd in their Obediences, have exempted from the Juriſdiction of the Ordinaries certain Churches, Monaſteries, Chapters, Priories, *&c.* which were not therefrom exempt in the Time of *Gregory* XI. To obviate ſuch Inconveniencies, we order, that every thing be reſtor'd to the ancient Footing, as it ſtood before that Pope's Death. In like manner, we revoke all Unions and Incorporations made ſince the Death of *Gregory* XI.

Of Commendams.

XXXII. THE Pope alſo forbids the granting in Commendam of Monaſteries, Conventual Priories where there are above ten Friers, the Monaſtick Offices, and the great Dignities in Cathedral or Parochial Churches, and that equitable Proviſion be made for the Perſon who holds by Commendam. A Metropolitan Church, however, may be granted in Commendam to a Cardinal or Patriarch who has not ſufficient to maintain him elſewhere.

Of the intermediate Fruits of Churches, *&c.*

XXXIII. THE Pope leaves the Fruits and Revenues which ſhall happen to become vacant, to the Churches, Monaſteries and Benefices, and does not intend to apply them to himſelf. He alſo revokes all the Alienations of the Eſtates of the Church of *Rome*, and other Churches, made ſince the Death of *Gregory* XI.

In what Caſes the Pope may be corrected or depoſed

XXXIV. THE Article of the Caſes wherein the Pope may be corrected or depoſed, and of the Manner how it may be done, is ſhorter than all the others. The *Vienna* MS. ſays, that the Pope makes no Anſwer upon that Head. Father *Labbe* met with none in the Acts of *Rome*, extracted by Cardinal *Capranica*, or elſe has omitted it. This is the Anſwer, as it appears in the Acts of *Germany*. *It does not ſeem good, nor has it ſeem'd good to ſeveral Nations to make any Statute or Decree thereupon* (2).

Againſt Simony.

XXXV. THE Article againſt Simony appears very ſevere. Though, ſays the Pope, many Conſtitutions have been granted, for a long time, againſt the Sin of Simony, without being able to extirpate it, we declare, by the Council's Approbation, in order to remedy this Evil as far as poſſible, that all ſuch as have been ordain'd by Simony, ſhall

(1) *Ad refrenandum appellationes fruſtratorias*, quæ ante definitivas Sententias interponuntur, ordinamus, quod *injuſte ſeu frivole appellantes*, ab interlocutoria, vel gravamine, ultra condemnationem expenſarum, damnorum & intereſſe, in *decem florenos*, ſi appellatio interponatur in Curia, & *in viginti*, ſi de partibus ad Curiam Parti appellatæ *condemnetur*. Et quod ſuper eadem locutoria vel gravamine *ſecundo appellare*, non liceat niſi haberent vim definitivæ.

(2) Non videtur, prout nec viſum fuit in pluribus Nationibus, circa hoc aliquid novum ſtatui vel decerni.

be

be ſuſpended from the Execution of their Orders (1), that all Elections, *Poſtulations* (2), Confirmations, Grants of Churches, of Monaſteries, of Dignities, of *Perſonates* (3), of Offices, and of Benefices, be null and void; and that ſuch as have received the Fruits thereof, be obliged to reſtore them. That they who give them, or they who receive them, ſhall *ipſo facto* incur the Sentence of Excommunication, be they Popes or Cardinals (4). According to the ancient Canons, we moſt ſeverely prohibit thoſe who confer Ordination, and the Clerical Tonſure, to take any thing for ſo doing, becauſe there are Eccleſiaſtical Revenues appropriated to it; and the Notaries are forbid to receive for their Letters of Collation to the four inferior Orders, and to each Order more than one Groſſe, ten of which make a Floren of the Chamber (5); and they who do otherwiſe, ſhall be liable to canonical Puniſhment. 1418.

XXXVI. As Benefices are only granted for the Office, we make void, with the Council's Approbation, all Diſpenſations granted by the late pretended Popes, except ſuch as are conformable to the Conſtitution of *Boniface* VIII, *Cum ex eo* (*a*), *&c.* which orders, that ſuch as have obtain'd, or ſhall obtain them, be obliged to cauſe themſelves to be conſecrated, or bleſſed, ſix Months after the Publication of the preſent Conſtitution, otherwiſe they ſhall be depriv'd of their Benefices. Moreover, the Pope enjoins Reſidence to the Archbiſhops, Biſhops and Abbats, on Pain of forfeiting one Year's Revenues if they are abſent ſix Months, and two Years Revenues if they are abſent a whole Year, to the Uſe of the Cathedrals and Monaſteries; and if they are abſent two Years, they ſhall wholly forfeit their Befices. Of Diſpenſations. (*a*) *Sext.* Lib I. Tit. VI. Cap. 34.

As to Diſpenſations upon account of Age, the Pope is not willing that they ſhould be extended beyond three Years in Cathedral or Parochial Churches, and in Monaſteries or Conventual Priories, except that, for very good Reaſons, it be thought neceſſary to do otherwiſe, by Advice of the Cardinals, or the major Part of them, without which Advice the Pope does not propoſe to grant Diſpenſations in weighty and important Caſes. Diſpenſations on account of Age.

(1) Ab executione ſuorum ordinum eo ipſo ſint ſuſpenſi.

(2) This is the Nomination of ſome Perſon to an Eccleſiaſtical Dignity, who could not be elected according to the Canons.

(3) Benefices which give ſome Prerogatives, or Pre-eminence, in a Church or in a Chapter, but without Juriſdiction.

(4) Etiam ſi Pontificali, aut Cardinalatus, præfulgeant dignitate.

(5) Quodque Notarii pro litteris ſuper Ordinum prædictorum collatione, pro prima Clericali Tonſura, nec ultra illam, pro quatuor minoribus Ordinibus unum, pro quolibet ſacro Ordine unum groſſum de camera, quorum decem faciant Florenam de camera, recipiant

XXXVII. THE

1417. XXXVII. THE Pope restrains incompatible Benefices, according to the Constitution of *John* XXII. *Execrabilis* (*a*), with a certain Limitation. *Martin* V. however permits the having of two Cures, provided it be not in Parochial Churches; but those Benefices are call'd incompatible which oblige to the Cure of Souls, or to Residence.

Of Benefices that are incompatible.

(*a*) *Extravag. John.* XXII. Tit. III. cap. I.

XXXVIII. THE Pope thinks that, in the present State of the Affairs of the Church of *Rome*, there is no way of providing for the Maintenance of the Pope and the Cardinals, but as they did heretofore; that is to say, by Benefices and *Common Services*, call'd *Vacancies*, or the Revenues of vacant Benefices. That no Title or Administration of any Monastery or Conventual Priory, where there are above ten Friers, shall be conferr'd upon any Cardinal; that the Cardinals shall enjoy no great Dignity, under that of a Bishop, in the Cathedral and Parochial Churches; that they shall have no Claustral Offices, no Hospitals, no Lazarettos *(Leprosaria)* at their Disposal, and that such as have, shall quit them forthwith, saving the Pope the Liberty of providing them with an Equivalent; that no Cardinal shall take above six thousand Florins out of the Ecclesiastical Revenues (1).

Of the Maintenance of the Pope and Cardinals.

Of Indulgencies.

XXXIX. THE Pope shall take Care not to be lavish in granting Indulgencies, for fear it should render them vile and cheap, and shall make those void which have been granted since the Death of *Gregory* XI. (2).

Of Tenths.

XL. As to the Tenths, which is the eighteenth and last Article, it is worded thus: We enjoin and command the punctual Observation of the Laws which forbid any, who are inferior to the Pope, to impose the Tenths, and other Burdens, upon the Churches and Ecclesiastical Persons. For our Part, we will impose none at all; and we warn (*a*) our Successors not to impose any upon the whole Clergy, unless it be for some important Cause relating to the Welfare of the Catholick Church, and by the Advice, Consent and Subscription of the Friers and Prelates, who may be consulted; nor shall they impose any in particular upon any Kingdom or Province, without consulting the Prelates of such Kingdom or Province (*b*).

(*a*) *Indicavimus*, alii *judicamus*.

(*b*) *V. d. Har.* T. I. p. 1021, 1039.

THIS Plan of a Reformation ought to have been examined by the Nations, and their unanimous Consent was requisite to its Approbation in Council, according to the Practice which had been observ'd

(1) As there are many other things in the rest of this Article which I do not understand, I refer to the Original. *V. d. Hardt*, p. 1036, 1038.

(2) Cavebit Dominus noster Papa in futurum nimiam Indulgentiarum effusionem, ne vilescant. Et in præteritum concessas ab obitu Gregorii XI. citra perpetuas: Item quæ dicuntur de pœna, & culpa, sive de plena remissione, concessas locis: Item omnes concessas ad instar alterius indulgentiæ revocat & annullat.

till

till then: But the Pope found Means to make his particular Treaty, or Concordate, with each Nation, as we shall see in its Place. 1418.

I will make one Remark, by the way, upon the Answer which the Pope gives in Article XIII. to the Question; *In what Case the Pope may be deposed and corrected?* That, as before observ'd, it must needs be, that this Memorial of the Pope, such as Father *Labbe* has publish'd it, according to a MS. of *Capranica*, in his Appendix to the Council of *Constance*, is curtail'd, because this Answer of the Pope is not inserted in it, though we meet with it in two MSS. of the *Vatican*, and in those of *Vienna and Gotha*. The *German* Nation did not insist so strenuously upon this Article without good Reasons. It had been inserted in the XLth Session, among the Articles of the Reformation which the Pope was to make after his Election. The *Germans* had proposed it to the Pope in their Memorial, in order to engage him to confirm the Decree of the Vth Session, which gives general Councils a *coercive* Authority over the Popes. But *Martin* V. took Care not to have his own, nor his Successors Hands, bound when he explain'd himself on so ticklish a Question as it was, to know in what Case, and after what Manner, a Pope may be corrected and deposed. The Pope's Answer, however, is subject to an Ambiguity, and may be interpreted to his Disadvantage. 'Tis true, that by saying there must be no *Innovation* upon this Article, he proposed to maintain the Popes in the Independence and Impunity which they had long been in Possession of. But might it not also be declar'd to him, that if no *Innovation* must be made on that Head, they ought therefore to adhere to a Decree of the Vth Session, which subjects a Pope, who will not obey the Council, to Penance, and the Penalties enjoin'd by the Laws? *Schelstrate* has taken great Pains to prove that this Decree of the Vth Session of the Council of *Constance* only related to the Times of the Schism. Whether his Efforts are to the Purpose or not, 'tis not my Business to decide. It may be judg'd of by the reading of this History, and by the Answers of the Doctors of the *Gallican* Church; such as, *Messieurs Richer*, *Maimbourg*, *Dupin* and *Arnaud*.

XLI. It has been already mention'd, that as soon as *Martin* V. had notify'd his Election to the King of *Arragon*, that Monarch sent Prelates to *Peter de Luna* to engage him to recognize this Pope. Being able to get nothing out of this obstinate and ambitious old Man, who always asserted that the Catholick Church was confined within *Peniscola*, three or four of the Cardinals, that (1) still sided with him, presented a very smart Memorial to him, advising him to

Two of *Benedict*'s Cardinals send to *Constance* *Theodoric*, T. VIII. p. 3.

(1) *Platina* says there were four; *Raynaldus* three, *viz.* *Alphonsus de St. Eustachius*, and *Peter de St. Angelo*, *Charles de St. George*,

grant

1418. grant Peace to the Church by his Abdication, and to acknowledge the Council of *Conſtance*, and Pope *Martin* V. But their Inſtances proving of as little Effect as thoſe of the other Prelates, two of thoſe Cardinals (1) ſent their Deputies to *Conſtance*, where they were receiv'd with very great Demonſtrations of Joy. They had Audience upon the laſt Day of *January*, and took the Oath of Allegiance to *Martin* V; ſo that, according to *Platina*, *Benedict* XIII. had but two Cardinals left. Mean time, the Emperor ſent *Alaman Adimar* a *Florentine*, Cardinal of *Piſa*, into *Spain*, to engage the Kings of *Spain* to compel *Benedict*, by Canonical Penalties, to ſubmit to the Council.

*Jan* 31. *V. d. Hardt*, T. IV. p. 1529.

PART of the Month of *February* was taken up in Political Affairs, which did not directly concern the Council. The Emperor aſſembled the Princes and Prelates to take the Affair of the Duke of *Auſtria* into Conſideration. It has been obſerv'd, that *Martin* V, a few Days after his Election, ſent an Embaſſy to this Duke to negociate his Reconciliation with the Emperor. As ſeveral of *Frederick* of *Auſtria*'s Vaſſals had hitherto refuſed to ſubmit to his Imperial Majeſty, one of the chief Terms of the Reconciliation was, that the Duke ſhould oblige them to Submiſſion, according to his Engagement, or that he ſhould conſent to their being compell'd to it. The Duke having given his Conſent to it, *Lewis* Count of *Oettingen* propoſed, in the Name of the Emperor, that ſuch of *Frederick*'s Vaſſals as had not yet made their Submiſſion, ſhould be compell'd to it by Violence: Which was approv'd and reſolv'd on by the whole Aſſembly, in which the Elector of *Brandenbourg* preſided. At this Aſſembly there were preſent a conſiderable Number of great Lords, as well Spiritual as Temporal; particularly *Lewis*, Patriarch of *Aquileja*; *Andrew*, Biſhop of *Colocza*; *George*, Count *de Hohenlo*, Biſhop of *Paſſaw* (2); *John de Dulmene*, Biſhop of *Lubeck*; *Albert de Stauffenberg*, Biſhop of *Ratiſbon*; *John*, Count *de Wallenrod*, Biſhop of *Coire*; *John de Fleckenſtein*, Biſhop of *Worms*; *John de Waldau*, Biſhop of *Brandenbourg* (3); *Otho*, Count *de Rotelin* and *Hocheberg*, Biſhop of *Conſtance*; *Frederick de Grafneck* (4); *Simon*, Biſhop of *Traw* in *Dalmatia*; another Biſhop call'd *Sigefridus Eldenburgenſis*; another call'd *Conradus Pegavienſis*.

*V. d. Hardt*, T. IV. p. 1510. *ex Windeck.* *Feb.* 7

THE chief of the Temporal Nobility were, *Gonthier*, Count *de Schwartzenbourg*; *Hugh*, Count *de Werdemberg* (5); *William*, Count

(1) The one was a *Carthuſian*; the Name of the other was *Julian Dobla*.

(2) He was Chancellor of the Empire, and Archbiſhop of *Gran* or *Strigonia*.

(3) He is left out of the Eccleſiaſtical Hiſtory of *Germany*; but he is mention'd in all the Acts of that Time.

(4) *Anſelm de Nenningen* was his Competitor; and they were nine Years at Law for this Biſhoprick, which they reſign'd in 1421. *Eccleſiaſtical Hiſtory of* Germany, T. I. p. 124.

(5) This County belongs, at preſent, to the Canton of *Glaris*.

of

of *Montferrat*; *Conrad*, Vicount of *Winoxberg* in *Flanders*; *Albert Schenk de Landſperg*, and ſeveral others. The Count *Lewis d'Oettingen*, who was at this Aſſembly on the Part of the Emperor, mov'd that thoſe of the Duke of *Auſtria*'s Vaſſals, who had hitherto refuſed it, ſhould be obliged to do Homage to that Monarch, which was reſolv'd accordingly. It was, no doubt, in purſuance of this Reſolution that the Emperor ſent certain Noblemen to *Baſil*, ſome Days after, to mortgage to the ſaid Canton all the Duke of *Auſtria*'s Territories, from *Schaffhauſen* to *Baſil*. *Windeck*, who reports this Fact, ſays, that the Canton of *Baſil* refuſed it, but that they repented of it afterwards. The ſame Hiſtorian tells us, by the way, that the Emperor ſent him to *Mentz*, *Worms* and *Spire*, to make over *Oppenheim*, *Keyſerſlauter*, *Odernheim*, and ſome other ſmall Towns, to the Empire. This engaged the Citizens of *Mentz*, *Worms* and *Spire*, to ſend Deputies to *Conſtance*, to ward off the Blow; but they return'd *re infectâ*, except thoſe of *Mentz*, who obtain'd ſome Favour for their City (*a*). Mean time, the Affairs of Importance, which the Emperor had upon his Hands, did not hinder him from bearing a Part in the Diverſions, with which the Princes and the Nobility entertain'd the Publick from Time to Time. For it appears, that the very next Day after the Meeting of this Aſſembly, he fought *incognito* at a Tournament; and that, after having diſmounted a Gentleman from his Horſe, he retir'd as well pleaſed with his Victory, as his Antagoniſt was that he had been foil'd by the Emperor. 1418.

(*a*) *V. d. Har. ubi ſupr.* p. 1511. *V. d. Hardt*, T. IV. p. 1510. *Feb.* 8.

XLII. SOME Days after this, the Emperor nominated Ambaſſadors for ſeveral Places. The moſt conſiderable of thoſe Embaſſies was, that which he deſign'd for the *Milaneſe*. During his Stay in *Italy* in 1413 and 1414, *Philip-Mary* Duke of *Milan*, in concert with the *Venetians* and *Ladiſlaus* of *Hungary*, thwarted him, as much as he could, in all his Deſigns. Afterwards, upon their Agreement, the Abbe *Mainfred de la Croix* came to *Conſtance*, in Behalf of the ſaid Duke, to do Homage to the Emperor for the *Milaneſe*. But new Diſputes ariſing between them, the Emperor, at the Requeſt of the Duke, ſent the Biſhop of *Paſſaw* and *Lewis* Count *d'Oettingen* to *Milan*, to accommodate them amicably. One of the Conditions of the Treaty, which was concluded in a Fortnight, was, that the Duke of *Milan* ſhould join his Troops with thoſe of the *Montferrat*, to make War upon the *Genoeſe*, with whom the Emperor was diſguſted. 'Twas well for the Duke of *Milan* that he accepted of this Condition, becauſe, according to the Report of *Windeck*, he took thirty four Places, as well Towns as Caſtles, from the *Genoeſe*; though, if we may judge of the Duke of *Milan* by two Actions of his during this War, 'tis a queſtion whether he was heartily reconciled to the Emperor. The firſt of theſe was a notorious Act of Treachery, which

The Emperor ſends Ambaſſadors to divers Places. *V. d. Hardt*, T. IV. p. 109. *Raynald.* 1418. num. ii.

*Feb.* 18. *Windeck*, cap. 53, 79.

1418. he was guilty of towards one *Lancelot* Governor of *Lodi*, who had always been in *Sigismond*'s Interests while he stay'd in *Italy*. The Duke sent to invite *Lancelot* to come to see him at *Milan*, under Colour of doing Honour to the Duke of *Orleans*, who was there at that time, and who even sent an Answer to *Lancelot*, that he might come with all the Safety in the World. In short, *Lancelot*, upon the Faith of so good a Surety, went thither; but no sooner enter'd *Milan*, than he was arrested, and then dragg'd to a Place without the City, where they cut off his Head. The Duke of *Orleans* was so incens'd at this Treachery, and at the Affront put upon him, that he went away without taking Leave of the Duke of *Milan*. This is a Particular for which we are obliged to *Windeck*. The other Action was as little to the Credit of *Philip-Mary*, and as plain a Discovery of his wicked Designs against the Emperor. The Bishop of *Passaw* and *Lewis d'Oettingen* had not been long set out from *Milan* for *Constance*, but the Duke of *Milan* being jealous that his Wife *Beatrix Tenda* was in a Correspondence against him with those Embassadors, to make a Treaty to his Disadvantage, he basely caused her Head to be cut off, under Pretence that she was guilty of Incontinence, tho' she was old enough to be his Mother: An Action which was the more foul, because that Lady, by the great Wealth she brought to the Duke, retriev'd his Affairs which were entirely ruin'd. She was the Widow of one of this Duke's Generals; and, by this Marriage, he acquir'd *Perona*, *Alexandria de la Paglia* in the *Milanese*, *Novarra* and *Verceil*, besides an immense Sum of Money.

*Bzovius ad ann.* 1419. *num.* XXIX.

THE Emperor likewise sent the Cardinal *de Schwartzembourg* (1), with some *Bohemian* Lords, to *Basil*, to engage the People of that Canton to deliver up those Places to him which they had taken from the Duke of *Austria* between *Basil* and *Zurich*. But as the *Switzers* had only taken Arms against the Duke, upon condition that they should keep what they acquir'd in the War, those of *Basil* not being in a Humour to restore any thing, were excused on paying a good Sum of Money, which perhaps serv'd the Emperor's Turn as much as if he had all the Places he demanded. He made the same Bargain with the other Towns of *Switzerland*. On the other hand, *Ebhard Windeck*, from whom we have most of these Particulars, was sent to *Mentz*, *Worms* and *Spire*, to demand back some Towns of the *Palatinate* and Parts adjacent, which had belong'd to the Empire, particularly *Oppenheim*, *Keyserslauter*, *Ingelsheim*, &c. The Cities of *Mentz*, *Spire* and *Worms*, sent their Deputies to *Constance* to treat

(1) This Count died at his Return near *Constance*, on the 29th of *April* this Year, and was interr'd in the Choir of the *Augustins* Church at *Constance*. *V. d. Har.* T. IV. p. 1565. *Strumph.* fol. 53. *Windeck*, cap. 78.

about

about it with the Emperor, but they return'd without concluding any thing, except thoſe of *Mentz*, whom he eaſed of ſome Impoſts. All theſe petty Negociations had no other Tendency than to bring in Money to the Emperor, who was always in want, and borrow'd it on all Hands. *Windeck* ſays, that he himſelf ſtay'd a long time at *Bruges*, as a Pledge for a Sum which *Sigiſmond* had borrow'd of that City. As he wanted Money every where, he borrow'd likewiſe in *England*; where the *Engliſh*, by Conſent of the Elector *Palatine*, paid him Part of the Dowry of *Blanche*, Daughter to the late King of *England*, who had marry'd that Elector in 1401 (1). When the Emperor was return'd to *Conſtance*, the Elector demanding back his Money, the Emperor threaten'd him to make him give up what he had uſurp'd from the Empire, which was the Cauſe of the Broil we have mention'd elſewhere. Nevertheleſs it appears from Hiſtory, that the Emperor was not ill paid for the Journeys he made for the Publick Good. When he came to *Lyons*, the Ambaſſadors, whom *Charles* VI. ſent to him to intreat him to pacify *France* and *England*, agreed with him to give him three hundred Crowns a Day as long as he ſtay'd in *France*. The City of *Narbonne*, in particular, upon his Arrival there, made him a Preſent of ſix thouſand Crowns. He extorted Money from all the Countries and Towns where he had any Authority. He only pardon'd the Duke of *Auſtria*, upon condition that he would pay him thirty ſix thouſand Crowns down. But it muſt be own'd, however, that all this was far ſhort of anſwering the extraordinary Expences he was put to at this Juncture. I thought fit to mention all theſe Particulars here, becauſe I had not an Opportunity to throw them in elſewhere.

1418.

*Windeck*, cap. 57. *Windeck*, cap. 64.

XLIII. THOUGH they had a Pope now recogniſed by all the Nations, yet there was no room to hope for the total Extinction of the Schiſm, while *Benedict* XIII. obſtinately inſiſted on his Pretenſion to be the only lawful Pope. This obliged the Council to ſummon him by a more ſolemn Embaſſy, to reſign, and to recogniſe *Martin* V, threatening to force him to it by all the Eccleſiaſtical Pains and Penalties. The Pope, with the Conſent of the Council, ſent *Alaman Adimar* Cardinal of *Piſa* Legate into *Spain* for that Purpoſe; and the Emperor, on his Part, wrote to the Kings of *Spain*, to deſire them to facilitate the Legate's Negociation by their Mediation and Concurrence. But *Adimar* had no better Succeſs than *Bernard de Bourdeaux* (2), who had been ſent before him upon the ſame Er-

The Council ſends a ſolemn Embaſſy to *Benedict* *Feb.* 18.

(1) In *Martene's Anecdotes* may be ſeen ſeveral Letters from the Emperor *Robert* and his Son the Elector *Palatine* to the King of *England*, to demand his Payment of the reſt of that Dowry. *Marten. Anecd.* T. I. p. 1701, 1711.

(2) This is the ſame *Benedictin* who is elſewhere call'd *Bernard* the *Engliſhman*, becauſe *Bourdeaux* belong'd, at that time, to the King of *England*.

1417. rand. *Benedict* only anſwer'd, that they ought to leave the Peace of the Church to his Care, and that he himſelf would conſer about it with *Martin* V, becauſe, ſaid he, they report him to be a Man of ſo much Senſe and Candour. The Cardinal looking upon this Anſwer to be but a vain Subterfuge, thunder'd out Bulls of Excommunication over all *Arragon*, in the Name of the Council and the Pope, againſt *Benedict* and the two Cardinals that ſtill adher'd to him, *viz. Julian Dobla*, and *Don Dominic de Bonnefoy* a *Carthuſian*, both *Spaniards*, and return'd to *Rome*, where, in 1422, he died. Mean time, the King of *Arragon* appointed two Archbiſhops and two Biſhops to go within a League of *Peniſcola*, and, if poſſible, into *Peniſcola* itſelf, to conſer with *Peter de Luna*, and to endeavour alſo to reclaim him.

*Platin.* 27. *Bzov ad ann.* 1417. num. xi.

BUT the Hiſtory tells us, that a Quarrel happen'd between *Martin* V. and the King of *Arragon*, of which *Benedict* made a good Uſe. Immediately after *Martin*'s Election, *Alphonſus* King of *Arragon* ſent an Embaſſy to him, to make ſome Demands upon him, in conſideration of the great Expence which he and his Father *Ferdinand* had been put to for the Peace of the Church. The Subſtance of theſe Pretenſions was as follows. He demanded the perpetual Right of diſpoſing of the Benefices of *Sicily* and *Sardinia*, without being liable to any Obligation to the Apoſtolical See, beſides a great Part of the Tenth of the Eccleſiaſtical Revenues which belong'd to the See of *Rome* in *Arragon*. He alſo demanded ſome Places in the Domain of the Knights of *Rhodes*, particularly *Moncon* and *Peniſcola*; and the Right of making a Grand Maſter to ſome other Order of Knighthood. What the Pope's Anſwer was to the laſt Articles, I know not: As to that which related to *Sicily* and *Sardinia*, from whence the Popes received eighteen thouſand Florins every Year, *Martin* did not think it expedient to alienate ſo conſiderable a Revenue. He only offer'd to yield them to the King of *Arragon* for five Years; at which the King of *Arragon* was ſo incens'd, that, from that Inſtant, he always adher'd to *Peter de Luna*, whom, at firſt, he ſupported under-hand, but afterwards barefacedly. Before the Council broke up, he actually recall'd his Ambaſſadors from *Conſtance*, and deny'd them Entrance into his Kingdom, becauſe he ſuſpected they had not taken due Care of his Intereſts with the Pope, eſpecially in regard to *Sicily* and *Sardinia*. He alſo cauſed the Prelates to return whom he had ſent to *Peter de Luna* to endeavour to reclaim him, and heap'd Honours upon the two Cardinals who remain'd in their Fidelity to that pretended Pope. As *Benedict* had ſtill many Creatures in *Spain*, this Conduct of the King of *Arragon* embolden'd the Subjects to ſpeak unhandſomely of the Council of *Conſtance*, of the Election of *Martin*, and of the Depoſing of *Benedict*. They ſaid, for Inſtance, that the Council was illegal, not having been conven'd by lawful Authority, nor ac-

*Monteſlianæ Religionis.* *Bzov. ubi ſup.* p. 547.

cording to the uſual Cuſtom; that all the Perſons were not there who had a Right to be preſent; and that of eight hundred great Prelates, of which the Church conſiſted, there was not one third at the Council. To this they added, that they had not dealt fairly with *Peter de Luna*; that he did not abſolutely refuſe to reſign, nor to ſubmit to the Council, but that *Conſtance* did not ſuit him, becauſe it was not a ſafe Place, and moreover too far diſtant; that the Election of *Martin* V. was not free, nor, by conſequence, the Depoſing of *Benedict*; and that therefore the latter was the only true Sovereign Pontiff. There were not wanting thoſe too that adviſed the latter, who was a Man well vers'd in Affairs, to repair to *Rome* or *Avignon*, in hopes that he might there find a ſufficient Number of Malecontents to form a ſtrong Party. No doubt the King of *Arragon* was not ſorry to ſee this Buſtle made for *Benedict*; but as he did not care to be reputed the Author of ſuch a Clamour, he ſent another Embaſſy to *Martin* V. to repeat his former Demands. All that he could obtain from the Pope was, that if *Alphonſus* could diſlodge *Peter de Luna* from *Peniſcola*, and bring him to his Duty, he offer'd him, as a Reward, not only the Fort and Town, but the Revenues of the Benefices that depended thereon during their Vacancy. *Alphonſus* being exaſperated more than ever, anſwer'd that he deſign'd indeed to make himſelf Maſter of *Peniſcola*, but that he would uſe no Violence to *Peter de Luna*; which was the Source of ſuch Enmity and Broils between *Martin* V. and *Alphonſus*, that nothing could put a Period to them but the Death of *Benedict* XIII, which happen'd in 1424. An Author of that Time tells us a Particular, which, as he pretends, contributed not a little to *Benedict*'s Obſtinacy, *viz.* that when this Pope retir'd from *Avignon* to *Spain*, he met an Abbat, who propheſy'd to him, that, after many Diſappointments, he ſhould at laſt go to *Rome*, and enjoy the Sovereign Pontificate in Tranquillity. People of ſtrong Paſſions greedily ſwallow every thing that flatters; and the greateſt Viſions, or the groſſeſt Impoſitions, eaſily go down with them for Oracles. Return we now to the Council.

1418.

*Nid. de Viſ.* p. 286.

XLIV. THE Reconciliation of the different Parties in the *Latin* Church under one and the ſame Head, pav'd the Way for the ſuppreſſing of that Schiſm which had laſted for many Ages between the *Greeks* and the *Latins*. In the preceding Century, the *Greeks* had made great Advances towards an Union with the *Latin* Church, in hopes of obtaining Succours againſt the Turks. The Emperor *John Paleologus* went in Perſon to *Italy*, where he made a Confeſſion of Faith conformable to the Creed of the *Latin* Church. But *Emanuel*, his Son and Succeſſor, perceiving that all thoſe Advances were to no purpoſe, and having travers'd all *Europe* in vain to ſeek Succours, was not in a Humour to abate an Ace in Matters of Doctrine, as his Father had

Embaſſy from the *Greeks* to the Council.

1418. had done; and 'tis even ſaid, that he wrote againſt the *Latin* Church, touching the *Proceeding of the Holy Ghoſt*. Moreover, the great Weſtern Schiſm, which happen'd towards the End of that Century, was not a favourable Conjuncture for ſuch a Union. After the Council of *Piſa*, which hop'd they had diſtinguiſh'd this Schiſm by the depoſing of *Benedict* XIII. and *Gregory* XII, and by the Election of *Alexander* V,

*Gerſ. Op.* T. II. p. 141. *Gerſon* made a Speech before the King of *France*, in the Name of the Univerſity of *Paris*, wherein he maintain'd, that the calling of a general Council was one of the principal Steps towards reconciling the *Greek*

*V. d. Har.* T. I. p. 507. Church with the *Latin*. *Zabarella* had alſo mention'd this as one of the Affairs which ought to be treated in the Council of *Conſtance*; and ſo had the Emperor, as appears from a Letter he wrote to the King of *France*, which is inſerted at the Beginning of this Hiſtory. Whether the *Greeks* were invited to the Council, or whether they

*Feb.* 19. *V. d. Hardt*, T. IV. p. 1511. came thither of their own Accord, I know not. Be it as it will, a ſolemn Embaſſy arriv'd at this Time at *Conſtance* from the Emperor *Emanuel Paleologus*, and *Joſeph* Patriarch of *Conſtantinople*, to make Propoſals to the Council of a Reconciliation. The Head of this Embaſſy was *George* Archbiſhop of *Kiow*. He was accompany'd by ſeveral *Tartarian* and *Turkiſh* Princes, and by nineteen Biſhops of the *Greek* Church. *Dacher* repreſents thoſe Biſhops to us as having the Tonſure, like thoſe of the *Romiſh* Church, but with long Beards, and the Hair of their Heads hanging over their Shoulders. They were receiv'd with very great Honour and Solemnity. The Emperor himſelf, the Princes, and all the Clergy, went out in Ceremony to meet them. All the time that they were at *Conſtance*, they had entire Liberty to perform Divine Service, according to their own Rites and

*Reichent.* fol. 46. Ceremonies, of which *Reichental* has given us a very ample Deſcription. The Acts make no mention of this Embaſſy, which probably was of no great Effect. *Dacher*, who was upon the Spot, declares, in his Hiſtory, which is as yet in MS. and from which Dr. *Von der Hardt* has furniſh'd us with Extracts, that all the Members of the Council verily believ'd that this Union might have been brought about if the *Greeks* had found Matters diſpoſed to a due Reformation of the Church.

*Th. Vrie ap. V. d. Hardt*, T. I. p. 161, 162. HOWEVER, if we may believe *Theodoric de Vrie*, another Author of that Age, this Embaſſy was not altogether unſucceſsful; for he ſays, that the *Greek* Ambaſſadors return'd home with the Council's Anſwer, and promiſed to be back again before it broke up. But the Council did not ſtay for them. *Raynaldus*, one of the Continuators of *Baronius*, has communicated a Letter from *Martin* V. to the Sons of *Emanuel Paleologus*, who govern'd during their Father's Illneſs, whereby it appears that the *Greek* Embaſſy had a favourable Audience.

It appears also, by this Letter from the Pope (1), that the Emperor *Emanuel* had negociated some Marriages with him between the *Greeks* and *Latins*, in order to facilitate the Union of both Churches. The Pope consents to it, on condition that the *Latin* Women who shall marry the *Greeks*, shall have the Liberty to follow the *Latin* Rites and Ceremonies, and continue in the Pope's Obedience, without being any wise molested upon that Head. Mr. *Dupin* tells us of another Embassy which was afterwards sent to *Martin* V. for the same Affair. These are his Words. 'In the Beginning of the Pontificate 'of *Martin* V, two Deputies arriv'd in the Name of the *Greeks*, 'viz. *Eudemon John*, and *Andrew* of *Rhodes*, who made Propolals 'for the Union of the two Churches. The Pope was not averse 'to them; and, in order to secure to himself the good Will of '*Emanuel Paleologus* Emperor of the *Greeks*, of *John* his Son, who 'govern'd during his Father's Illness, and of the Lords of their 'Court, he sent back *Eudemon John* with Presents, and Ladies of 'Quality, who were given in Marriage (2) to the *Greek* Lords; 'particularly the Duke of *Montferrat*'s Daughter to *John Paleologus*, 'and the Daughter of the Duke of *Urbino* to his Brother *Theodore*.' There were several fruitless Conferences afterwards between the *Greeks* and *Latins* at *Rome*, *Constantinople*, *Pavia*, *Sienna*, *Basil*, and, last of all, at *Florence*. The History plainly shews how things were therein managed, so that we need not insist upon it.

1418.

*Dupin Bibl. Eccles. Cent.* XV. p. 27.

XLV. *LADISLAUS* King of *Poland* had signaliz'd himself by his Zeal for the Union of the *Greeks* to the See of *Rome*, and for the Conversion of the Infidels in *Samogitia*, and the Neighbourhood of *Poland*. He so well seconded the Endeavours of the Council of *Constance* in this latter respect, that all the *Pagans* that were left in *Samogitia* were converted this Year. He founded a great Number of Cathedral and Parochial Churches in those Provinces, which he maintain'd at his own Expence, and he establish'd able Persons in them to fortify them in the Christian Faith. In consideration of this, he had obtain'd several Privileges from the Popes, which were confirm'd to him by *Martin* V. This appears from two Bulls dated at *Constance*; one upon the 4th, and the other upon the 13th of *May*. In the former, the Pope confirms the Privileges which his Predecessors had granted to *Ladislaus*; and, in the second, he gives him the Title of Vicar General of the Church in the Kingdom of *Poland*, and in

Privileges granted to the King of *Poland* by the Pope.

*Raynald. ann.* 1418, num. xviii, xix. *Dlugoss.* Lib. XI. p. 355.

(1) Annuendum censuimus devotioni charissimi in Christo Filii Manuelis Imperatoris Constantinopolitani, qui nobis humiliter supplicavit, quatenus vobis filiis suis, & cuilibet vestrum cum mulieribus fidei ac devotionis & obedientiæ, sanctæ Romanæ Ecclesiæ matrimonia contrahendi liberam indulgeamus facultatem. *Raynald. ad an.* 1418. num. 17.

(2) As for these Marriages, see the History of *Constantinople*, Tom VIII. p. 269.

*Polish*

1418. *Polish Russia.* He also confirm'd the Privileges granted upon the same Account to *Alexander de Withold* Great Duke of *Lithuania*, and likewise made him his Vicar General in that Province. Now we are in *Poland*, we will here set down *en passant* what *Dlugoss* says relating to (*a*) *Peter Visch*, who had been turn'd out of his Bishoprick of *Cracow* by *Ladislaus*, in concert with *John* XXIII. to make room for the Bishop of *Posen* (*b*), as was observ'd in the History of the Council of *Pisa* (*c*). Though *Peter Visch* died in 1414, yet this Affair was reviv'd at the Council of *Constance*, through the Solicitation of some Bishops of *Spain* and *England*, who had contracted a Friendship with *Peter Visch* in the pretended Council of *Sienna*. These Prelates sollicited the Reparation of the Honour of *Peter Visch*, and the Condemnation of the Bishop of *Posen*, who had been put into his Place. The latter was actually cited to the Council, but at the Solicitation of the King of *Poland*, who urg'd the Death of *Peter Visch* as the Reason, his Appearance was dispensed with. Mean time, the Chapter of *Posen* having desir'd of the King that they might be permitted to chuse another Bishop, the King nam'd four, out of whom *Andrew Lascaris*, a *Pole*, was elected, and sent to *Sigismond* at the Council, as has been seen. Moreover, to the end that these two Princes might not be molested in those pious Undertakings, the Pope, in concert with the Emperor, order'd one Year's Truce between the *Poles* and the *Teutonic* Knights, to begin from the 20th of *July*; and, for the Security of this Truce, the Knights were to resign into the Hands of the *Poles* four Places, of which *Ladislaus* should be put into Possession, on Condition that he should not fortify them, nor pretend thereby to acquire any Right to them.

(*a*) *Dlug.* Lib. XI. p. 384.

(*b*) His Name was *Albert Jastrzabiecz.*

(*c*) Lib. VI. p. 174.

The King of *Portugal's* Conquests.

XLVI. WHILE these things were transacting in the North, *John* King of *Portugal* made Conquests over the Infidels in *Africa*. He had already taken *Ceuta* from the *Moors* in 1415, and, having a Design to extend his Conquests farther, he sollicited Aid from the Christian Princes. 'Twas with this View that *Martin* V. publish'd a Croisade, wherein he exhorts all the Christian Princes to assist the King of *Portugal* in so pious an Undertaking. The Bull is dated at *Constance*, in the Month of *April*. I observe, that neither this, nor the foregoing Bulls carry the Approbation of the Council.

THIS was superscribed in Manner following. 'To our venerable 'Brethren the Patriarchs, Archbishops, Bishops, and to our dear 'Sons the *Elect*, the Administrators, Abbats, Priors, and other Pre- 'lates of Churches and Monasteries, as well as to all Christians, in 'what Part of the World soever, Greeting, and Apostolical Benedic- 'tion.' It contains, 1. A Panegyric on the King of *Portugal*, and a Congratulation of him upon his Conquests over the Infidels, who are call'd *Sarazins*. 2. All Emperors, Kings, Dukes, Princes, Marquesses, Barons,

Barons, and other Lords of Chriſtendom, are thereby invited, thro' the ſprinkling of the Blood of Jeſus Chriſt, to arm themſelves vigorouſly to ſupport that Monarch in his Deſign to extirpate the Infidels with a Promiſe to reward them for ſo good a Work with *Spiritual Munificence*; that is to ſay, Remiſſion of their Sins, and Indulgencies. 3. All the Members of the dignify'd and inferior Clergy are order'd to make all thoſe who ſhall appear for this Expedition take up the Sign of the Croſs, and to promiſe them full Remiſſion of their Sins, after *Confeſſion* and *Contrition*, even though they are Incendiaries, Sacrilegious, and though they had laid violent Hands upon Prieſts and Friers, ſuch Caſes excepted as ought to be reſerv'd to the Apoſtolical See; *and all this by the Advice of the Cardinals* (1). 1118.

XLVII. THE Council advanced apace towards its Concluſion, but it was not obſerv'd that the Reformation of the Church made any great Progreſs. The Pope had found out the Secret of dividing the Nations when ever they were met to treat about it, being ſure that he could deal with each of them better by particular Concordates. Accordingly he made a ſeparate Treaty with the *Germans* and the *Engliſh*. The Pope's Concordates with theſe two Nations may be ſeen at the End of this Hiſtory, as they were extracted by Dr. *Von der Hardt*, from the MSS. in the Libraries of *Vienna*, *Brunſwick* and *Cambridge*, and placed in the firſt Volume of his Collection. We will here only give the Titles and Contents of them. The Titles of the Concordate with the *German* Nation are, 1. *Of the Number and Quality of the Cardinals*, which are ſettled upon the Foot of the Project that *Martin* V. had preſented to the Nations, as well as all the others. 2. *Of the Proviſion or Collation to Churches, Monaſteſtries, Priories, Dignities, and other Benefices.* 3. *Of Annates.* 4. *Of the Cauſes that are to be try'd at the Court of* Rome. 5. *Of Commendams.* 6. *Of Simony* (2). This Article being different from that which had been deliver'd in to the Nations by *Martin*, we will here give the Subſtance of it. 'All Patriarchs, Archbiſhops, Biſhops, 'Abbats, Abbeſſes, and other Prelates, Clerks and Perſons Eccle'ſiaſtick, Religious and Secular, of both Sexes, are thereby en'join'd to provide themſelves with a Confeſſor three Months after the 'Publication of this Act, whether he be Doctor of Divinity, or 'Doctor, Licentiate, or Batchelor of Law, when ſuch a one can be 'conveniently found; and if ſuch a one cannot be found, then it 'will be ſufficient to chooſe an intelligent diſcreet *Reader*, or Prieſt, 'of good Repute, whether he have *Cure* of Souls, or not. When 'ſuch Confeſſor is once choſen, he ſhall, with all the Speed poſſible, 'hear the Confeſſion touching Simony, and only abſolve the Penitent

The Pope's Concordates with the *Germans* and *Engliſh*. *V. d. Hardt*, T. IV. p. 1512. *Feb.* 20.

(1) De Fratrum noſtrorum conſilio

(2) De Simonia cui in Foro Conſcientiæ proviſum

1418. ‘ *in Foro Conscientiæ* from his Sins, and all Sentences of Excommuni-
‘ cation, Suspension, Interdict, Censures and Penalties whatsoever, that
‘ he has incurr'd perhaps for Simony committed *actively* or *passively* in
‘ the Collation of Orders, Ecclesiastical Benefices, at the Entrance into
‘ any religious Order, or in any other Case whatsoever, till the Publi-
‘ cation of the present Constitution. The same Confessor shall like-
‘ wise absolve the Penitent from all manner of *Irregularity*, which he
‘ may have contracted by celebrating the Mass and the Divine Office,
‘ being in the Bonds of Excommunication *in Foro Conscientiæ*, and shall
‘ confirm him in the Possession of the Benefices and Offices which he
‘ had retain'd in that State, totally abolishing all Disability, Irregu-
‘ larity, Brand of Infamy, and other Stains, and excusing him
‘ from all manner of Restitution; provided nevertheless that he be not
‘ in a Capacity to make it, or that he cannot do it without Scandal and
‘ Infamy.’ 7. *Not to shun Persons excommunicated, before they have been so declar'd and denounced by the Judge.* This Article is not in *Martin* V's Plan. 'Tis worded thus. ‘ In order to avoid many
‘ Scandals and Dangers, and to ease timorous Consciences, we merci-
‘ fully grant to all Believers, that no body hereafter be obliged to
‘ abstain from Communion with any one whatsoever, either in the
‘ Administration, or Receiving of the Sacraments and other Offices, *&c.*
‘ under Colour of any Sentence, or Ecclesiastical Censure, inflicted in
‘ general Terms by the Law, or by a Man *(a jure vel ab homine gene-*
‘ *raliter promulgatæ)* unless that the Sentence, or Censure, pronounc'd
‘ against any Person, College, University, Church, Community, or
‘ certain Places, has been publish'd, and denounced particularly and
‘ expressly by the Judge. They however are excepted, who, by Rea-
‘ son of Sacrilege, or laying violent Hands upon the Clergy, have
‘ so notoriously incurr'd the Sentence of Excommunication, that no-
‘ thing can skreen them, nor no Law excuse them (1).’ 8. *Of Dis-*
*pensations.* 9. *Of the Maintenance of the Pope and Cardinals.* 10. *Of Indulgencies.* 11. In the eleventh Chapter, the Pope and the *German* Nation agree that this Concordate shall subsist for five Years, notwithstanding any Apostolical Constitutions or Rules of Chancery; and that, upon the Expiration of five Years, each Church and Person shall be restor'd to their Rights; and finally, that authentick Acts of this Capitulation shall be deliver'd to whosoever shall demand them; and that for such Copies no more be paid than twelve Grosses *Tournois* (2).

(1) This Constitution was almost entirely confirm'd by the *Pragmatic Sanction*, and by *Leo* X's Concordate with *Francis* I. *Liberties of the* Gallican *Church.* T. II. p. 46, 82.

(2) Pro toto autem non solvantur ultra duodecim Grossi Turonenses. *V. d. Hardt*, T. I. p. 1056, 1069.

THE

THE Pope made a Concordate alſo with the *Engliſh*, which was regiſter'd in the Books of the Chancery, as well as the *German* Concordate. It conſiſted of ſix Articles. 1. *Of the Number and Nation of the Cardinals.* The Number thereof is not ſpecify'd. 'Tis only ſaid, that the Number be ſo limited, that the Church be not oppreſſed by it, and that the Cardinals be choſen indifferently out of all Nations, Kingdoms or Provinces, which ſhall be done by Conſent of the Cardinals, or the major Part of them. The ſecond Article is of *Indulgencies.* 'Tis worth repeating. 'Whereas, by means of various Indulgencies and Briefs of *Faculties (Litterarum Facultatum)* granted by the Apoſtolical See for the Abſolution of thoſe who viſit certain Places, and there make Offerings, as well as upon account of the Collections which abound in *England* more than ever, ſeveral preſume to commit Sin, by quitting their own Cures, and their own Parish Churches, to go and confeſs elſewhere, under Pretence of Indulgencies, and carry thither the Tenths, Oblations, and other things due to their Churches, or are long before they pay them, the Dioceſans of the Places ſhall hereafter be commiſſion'd to examine the Nature of thoſe Indulgencies, and empower'd to ſuſpend, by Apoſtolical Authority, the Execution of thoſe which they ſhall find ſcandalous, and to denounce them to the Pope that he may revoke them.' The third Article is of *Appropriations, Unions, Incorporations of Churches and Vicarſhips.* They ſhall no longer be made *proprio Motu*, but the Biſhop of the Places ſhall be appointed to examine them. All Unions and Incorporations made ſince the Schiſm are vacated. 'Tis order'd, that there be in all Parochial Churches a perpetual Vicar to have Cure of Souls, who may be ſufficiently endow'd to exerciſe Hoſpitality, and to pay the Debts of the Church. The fourth Chapter forbids the giving of Pontifical Ornaments, ſuch as the Mitre and Sandals (1) to the inferior Prelates. All the Privileges granted on this account, ſince the Death of *Gregory* XI, are revoked. The fifth Chapter treats of *Diſpenſations.* Diſpenſations are forbid to be granted hereafter for the holding of ſeveral Benefices; but thoſe which were granted before are ſuffer'd to remain in full Force, unleſs they are found to be ſcandalous by the Ordinaries of the Places. No Diſpenſations ſhall be granted for Non-Reſidence; nor ſhall the Faculties Licence be granted to the Monks for obtaining any Eccleſiaſtical Benefice whatſoever. The ſixth Chapter enjoins, that thoſe of the *Engliſh* Nation ſhall be admitted to Offices at the Court of *Rome*, as well as other Nations, provided they are qualify'd (2). 1418.

(1) The Slippers wore by the Pope and Biſhops when they officiate.

(2) The Cardinal of *Oſtia*, Vice-chancellor, deliver'd this Act to *Robert de Neville*, a Canon of *York*, at *Geneva*, on the 21ſt of *June*, 1418. From the *Cambridge* MS. *ap. V. d. Hardt*, T. I. p. 1082, 1084.

1418. WE shall find these Concordates confirm'd in the XLIIId Session. The Pope also drew up a Plan of a Concordate with the *French*, but it was not at first approv'd of in that Nation. *They were not so hasty in* France, says Father *Daniel*, *to own this Pope, because they were out of Humour with the Emperor. The ancient Ordinances for preserving the Liberties of the* Gallican *Church were there renew'd, especially with regard to the Collation of Benefices. Money was prohibited to be carry'd out of the Kingdom, which had a particular View to* Rome (1); *but in the following Year they conform'd to the Decrees of the Council of* Constance, *and* Martin *was every where recogniz'd, except in the Rock of* Peniscola (*a*). He found it altogether as difficult to manage the *Spaniards*, who did not like him. Thus did the Pope abuse the good Nature of some, and slight the Resistance he met with from others.

(*a*) History of *France* by Father *Daniel*, T. III. p. 883.

XLVIII. BEFORE *Martin* V. was elected, a certain seditious Libel was condemn'd to the Flames, which one *John de Falkenberg*, a Dominican Frier of *Caminiec*, had composed, by Order of the Knights of *Prussia*, against the King and Kingdom of *Poland*. When the Archbishop of *Gnesna* was at *Paris* with the Emperor, he met with that Libel there; and, upon his Return, he caused the Author of it, who was then at *Constance*, to be imprison'd. I was never yet able to meet with the entire Piece; but one may judge of the whole by the Sketch which *Dlugoss* has given of it, in his History of *Poland*, where he gives an Account of the Sentence of Condemnation, which the Deputies pass'd upon it, in the Name of the Council. The Libel is address'd to all the Kings, Princes, Prelates, and to all Christendom in general; and the Author therein promises eternal Life to all that will enter into an Alliance for extirpating the *Poles* and their King *Jagellon*. Among other Propositions that are condemn'd in the Sentence, Notice is taken of these. 'That the King of *Poland* being a 'bad Prince, is an Idol, and that the Poles who serve him are Idolaters; that the *Poles* and their King, deserve nought but Hatred; 'that they are Hereticks and shameless Dogs, which are return'd to 'their Vomit, by relapsing into Infidelity; that 'tis more meritorious 'to kill the *Poles* and their King than to kill the *Pagans*; that the 'Secular Princes, who shall murder the *Poles* and their King, and 'who shall hang up all the Nobility, will deserve celestial Glory, 'and that they who tolerate or support them will be damn'd; that 'all *Poland*, with *Jagellon*, who is the Head of it, is criminal, be'cause 'tis plung'd over Head and Ears in Schism and Heresy.' This Libel is condemn'd by the Commissioners to be burnt, as erroneous in Faith and Manners, seditious, cruel, scandalous, injurious, impious, offensive to pious Ears, and heretical.

*John de Falkenberg.*

*Schelstr. Comp. Chron.* p. 53. *V. d. Hardt*, T. IV. p. 1091.

*Dlugoss*'s History of *Poland*, Lib. XXI. p. 576. *Dlugoss*, Lib XI. p. 487.

(1) See the two Edicts of the King of *France* in the History of the University of *Paris*, T. V. p. 328, 331.

THE

THE Sentence is dated in *June* 1417. It was reſolv'd on by the Deputies of the Nations, and all the Cardinals had actually ſign'd it: But there was not one among them who ſignaliz'd his Zeal againſt the Author of this Libel more than the Cardinal *de Florence*, who ſpoke to him in theſe Terms when he told him that he was condemn'd to perpetual Impriſonment. 'Infamous Villain, as you are, 'how could you dare, contrary to the Engagements of your Charac- 'ter, as a Prieſt and Frier, to wound the Honour and ſtain the Re- 'putation of a King, ſo diſtinguiſh'd among Kings, by all manner 'of Virtues, and by his Zeal for the Faith. Know that you have 'brought upon your Back not only the whole Kingdom of *Poland*, 'but all the Nations of the World, as well as all the Council, which 'looks upon the Cauſe of the King of *Poland* to be its own, *&c.*' Though this Sentence was unanimouſly reſolv'd on, yet it had not been confirm'd in any publick Seſſion. 1418. *Dlugoſ ubi ſup.* p. 337.

THE *Poles* had the more Reaſon to hope that *Martin* V. would confirm the Council's Sentence againſt *Falkenberg*'s Book, becauſe himſelf had ſign'd the Condemnation of it when he was a Cardinal; yet they did not find him altogether ſo tractable. *Dlugoſs* tells us, that this Pope, at the Solicitation of the Knights of *Pruſſia*, was willing to reverſe, or, at leaſt, to mitigate the Sentence paſs'd againſt this Piece by the Deputies of the Nations; and that the *Poles* were ſo incenſed at it, that they appeal'd againſt this Denial of Juſtice, and againſt the Election of *Martin* V. to the next Council. The *French* join'd in this Cauſe with the *Poles*, becauſe the Principles of *John de Falkenberg* were very near the ſame with thoſe of *John Petit*, and becauſe the former had audaciouſly maintain'd the Doctrine of the latter by three Writings, in which he confuted the Cardinal of *Cambray* and *John Gerſon* in a very inſolent Stile. But neither the *Poles* nor the *French* could ever carry their Point ſo far as to oblige the Pope to cauſe *Falkenberg*'s Libel, or the Duke of *Burgundy*'s Apology, compoſed by *John Petit*, to be condemn'd in full Council. Of this *Gerſon* complains bitterly in the Apologetick Dialogue, which he compoſed after the Separation of the Council. 'Tis proper to hear him. *I intreat all thoſe*, ſaid he, *who have a Zeal for the Chriſtian Religion, and for the Honour of the Pope and Council, maturely to conſider the great Inconveniencies that may happen, if the ſecond Article, which obliged the Council to be call'd, is not comply'd with*, viz. *the Extirpation of Hereticks, eſpecially when Maxims are in Diſpute, which have been publickly cenſured, and upon which there have been ſo many Debates in Council* (1). From thence *Gerſon* proceeds to the fatal Conſequences which ſuch a Diſſimulation may be attended with; and he mentions ſeveral that are *Gerſ.* T. V. p. 1014. *Feb.* 19.

(1) That is to ſay, by the Nations, and in the Reforming College.

conſiderable.

1418. conſiderable. 'It tends to give the *Bohemians* Cauſe juſtly to accuſe 'the Council of a very criminal Partiality, for treating with ſo much 'Indifference a Queſtion ſo important with regard to Chriſtian Mora- 'lity and civil Society, and paſſing ſo rigorous a Sentence on other 'Hereſies not ſo capital. 'Tis opening the Doors to Robberies, 'Perjuries, Maſſacres and Aſſaſſinations. 'Tis depriving the Biſhops 'of all Power to ſuppreſs Hereticks, and to correct thoſe that go a- 'ſtray in their Dioceſes, becauſe when they ſee that the Council it- 'ſelf had not that Authority, they would not pretend to it nei- 'ther: Which will reduce the Secular Princes to the Neceſſity of 'arming themſelves with the Temporal Sword againſt thoſe who ſhall 'teach Doctrines pernicious to their Dominions. 'Tis vilifying the 'Authority of the Council, making all void that it has done, and 'moreover putting the Laugh in the Mouths of Infidels, Schiſma- 'ticks, and eſpecially *Peter de Luna* and his Abettors, who will not 'fail to triumph, that, in a Matter of ſo high Importance, Things 'have been carry'd on with more Indifferency ſince the Election of 'a Pope, from whom ſo great Things were expected, than they were 'before he was choſen. Which may hinder the paying of that general 'Obedience to *Martin* V, which he ought to have, for the common 'Welfare of Chriſtendom.' We ſhall have another Opportunity to ſpeak of this Affair.

Twenty four Articles of the Council againſt the *Huſſites*.

XLIX. THE Affair of the *Huſſites* was proſecuted with a great deal more Warmth. Towards the Cloſe of the preceding Year, the Council and the Emperor had ſent Safe-Conducts to them to come to *Conſtance*, to give an Account of their Behaviour. But they were not in a Humour to expoſe themſelves to the ſame Risks as their two Doctors: And probably 'twas upon this Refuſal that the Council drew up againſt them twenty four Articles; the chief of which are in Subſtance theſe. 'That the King of *Bohemia* ſhall ſwear to main- 'tain the *Romiſh* Church, and the other Churches of his Kingdom in 'their Liberties, and not ſuffer them to be moleſted by the *Huſſites*: 'That every Perſon, Clergyman or Layman, who adheres to the 'Doctrine of *Wickliff* and *John Hus*, ſhall be compell'd to abjure it, 'and puniſh'd, according to Law, in caſe of Refuſal and Diſobe- 'dience: That the Clergy turn'd out of their Benefices ſhall be re- 'ſtored, and thoſe that have intruded be expell'd: That all the 'Eccleſiaſtical Revenues, Relicks, the Treaſures of the Churches, and 'every thing in general that has been taken away ſhall be reſtored: 'That the Univerſity of *Prague* ſhall be reform'd, and entirely 'purg'd of the *Wickliffites*: That the chief Broachers of Hereſies 'ſhall be ſummon'd to the Court of *Rome*. Among others, there are 'the Names of nine, *viz. John Jeſſenitz, James de Miſa, Simon de 'Tiſna, Simon de Rokizane, Chriſtian de Brochatitz, John Cardinal,* 'Zdenko

1418.

‘ *Zdenko de Loben, Zdiſlaus de Sniertitz* and *Michael de Kzisko:* That ‘ all the Laity, who have received the Communion in both Kinds, ‘ and obliged others to do ſo too, eſpecially ſince the Prohibi- ‘ tion of the Council, ſhall abjure this Error: *That no Diſpenſa- ‘ tion ſhall be granted to the Prieſts, or others, ordain'd by* Herman, ‘ *Suffragan to the Archbiſhop of* Prague, *who was arreſted by the Lord* ‘ Zenko de Wartemberg, *but that they be referr'd to the Apoſtolical See:* ‘ That *Wickliff*'s Books, tranſlated by *John Hus*, or by *Jacobel*, into ‘ the Vulgar Tongue, ſhall be deliver'd to the Legate or Ordinary, ‘ as well as the Treatiſe of *John Hus*, which was condemn'd in the ‘ Council: That all *Jacobel*'s (1) Tracts, wherein he declares in fa- ‘ vour of the Communion in both Kinds, and treats the Pope as Anti- ‘ chriſt, ſhall be burnt, together with his Treatiſe (2), wherein he ‘ maintains, that Bread remaineth upon the Altar after Conſecration.

*Jacobel*'s Sentiment of the Euchariſt. *V. d. Hardt*, T. III. p. 884.

L. 'Tis abſolutely neceſſary, for the Reader's Inſtruction, to make a Digreſſion upon this laſt Article of *Jacobel*. The Doctors of the Council were very much miſtaken to charge *Jacobel* with having written, *that the Bread remaineth after the Conſecration of it.* *Jacobel*'s Treatiſe was intitled, *Of the real Exiſtence of the Body and Blood of Jeſus Chriſt in the Holy Supper.* And 'tis certain, that he believ'd the real Preſence of the Body of Jeſus Chriſt in the Euchariſt, together with Tranſubſtantiation, and all the Conſequences of that Doctrine, particularly the Adoration of the Sacrament, and that of the Body of Jeſus Chriſt in the ſaid Sacrament. The Difference therefore between his Opinion upon this Matter, and the Opinion of the Generality of Doctors at that Time, was this: He diſtinguiſhed two ſorts of Lives in the human Nature of Jeſus Chriſt, *an animal or corporal Life, and a ſpiritual and divine Life, by virtue of the hypoſtatical Union.* Theſe are his Words. *Domino Jeſu Chriſto noſtro Salvatore veniente in hunc mundum ad nos, & converſante cum hominibus uſque ad mortem, ut ex Scriptura ſacra, & teſtimonio antiquorum Sanctorum oſtenditur, corpus Chriſti de Spiritu Sancto conceptum, natum ex* Maria *Virgine, paſſum, &c. exiſtens in natura ſua corporea, habuit duplicem vitam, ſcilicet vitam ſpiritualem, divinam, inviſibilem, aliam animalem, mortalem, viſibilem, mole magnam, extenſam. Patet hoc primo, quia Chriſtus, ſecundum humanitatem totam, & per conſequens non ſolum ſecundum animam, ſed etiam ſecundum corpus, erat Mediator inter Deum & Hominem, tanquam inter duo extrema. Ergo neceſſe erat ipſum Dominum noſtrum, etiam ſecundum corpus ſuum proprium exiſtens participare de utroque extremo, ut* Ubi ſup. p.

(1) See all thoſe Treatiſes of *Jacobel* in the third Tome of *M. Von der Hardt*'s Collection.

(2) Et ſimiliter Tractatus editus per ipſum *Jacobellum* de Remanentia Panis poſt Conſecrationem in Altari. *Von der Hardt*, T. IV. p. 1517.

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1418. *adeò esset caro corporis divina, & sic haberet vitam spiritualem, divinam, invisibilem & immortalem, ex Unione Deitatis hypostaticæ ad ipsam carnem. Et ex parte hominum, ut aptiùs eis conversaretur habuit vitam animalem, mortalem, visibilem, mole magnam sive extensam. i. e.* 'When 'the Lord Jesus Christ, our Saviour, came into the World, and con- 'versed with Mankind till his Death, as is apparent from the Sacred 'Writings, and the Testimony of the Holy Men of old, the Body 'of Christ, which was conceived of the Holy Ghost, born of the 'Virgin *Mary*, suffer'd, *&c.* existing in his bodily Nature, had a 'twofold Life, *viz.* the one, a spiritual, divine, invisible Life; the 'other, a Life which was animal, mortal, visible, with Magnitude 'or Extension. This is manifest in the first Place, because Christ, 'taking in his whole Humanity, and, by consequence, not only con- 'sider'd with Regard to his Soul, but also with Regard to his Bo- 'dy, was Mediator between God and Man, as between two Extremes. 'It was therefore necessary that our said Lord, existing even accord- 'ing to his proper Body, should partake of both Extremes in such 'sort, that the Flesh of the Body would be divine, and would have 'a Life spiritual, divine, invisible and immortal, by the hypostatical 'Union of the Deity to the Flesh itself. And, with Regard to his 'Manhood, that he might the more fitly converse with Men, he 'had a Life which was animal, mortal, visible, with Magnitude or 'Extension.' Now the Opinion of *Jacobel* was, that the Body of Jesus Christ is, in the Eucharist, according to his spiritual, divine and invisible Life, and not according to his animal and corporal Life.

*Ubi supr.* p. 897. *Conclusio responsalis ad quæsitum. Ex fundamento Scripturæ sacræ, & ex testimonio antiquorum Sanctorum ostendi potest, & credi debet, quod in Sacramento altaris est verum Corpus Christi in sua propria existentia de virgine natum, passum, &c. & hoc non secundùm vitam animalem, mortalem, sed secundùm vitam spiritualem divinam. i. e.* 'The conclusive 'Answer to the Question. It may be demonstrated, from the Basis 'of the Holy Scriptures, and from the Testimony of the Saints of 'old, and it ought to be believ'd, that, in the Sacrament of the Al- 'tar, the real Body of Christ is, in its proper Existence, as it was 'born of the Virgin, suffer'd, *&c.* and this not according to the ani- 'mal, mortal Life, but according to the spiritual, divine Life.' He grounds his Opinion upon the Authority of St. *Augustin*, St. *Jerome*, St. *Ambrose*, *Fulgentius*, *Paschasius*, *Anselm*, and a great Number of School Divines. After having alledged all these Testimonies, he infers, that the Body of Jesus Christ must be ador'd in the Sacrament, as well as the Sacrament itself. *Et patet quod corpus Christi in Sacramento Altaris, in quo est plenitudo Divinitatis corporaliter, & sic Christus in eo existens, a cunctis fidelibus debet adorari & coli, & unà cum Sacramento divinissimo, & tremendissimo venerari. i. e.* 'And 'tis manifest, 'that

'that the Body of Christ in the Sacrament of the Altar, in which is 1418.
'the Fullness of the Divinity, corporally, and consequently Christ
'existing therein, ought to be ador'd and worship'd by all Believers,
'and to be reverenced together with the most divine and most tre-
'mendous Sacrament.' He afterwards fairly confutes those who de-
ny the real and corporal Presence of Jesus Christ in the Sacrament,
and who look upon this Sacrament *as an Idol. Ex prædictis patet* P. 921.
*quod hoc Sacramentum, in quo est Corpus Christi cum plenitudine Divini-
tatis non est Idolum, ut quidam seducti a fide dicunt aliosque seducunt.*
*i. e.* 'From what has been said, it is manifest, that this Sacrament,
'in which is the Body of Christ with the Fullness of the Divinity,
'is not an Idol, as is alledged by some, who are not only seduced
'from the Faith themselves, but seduce others.' He says too, that
the Priests, who celebrate Mass without believing that Jesus Christ
is therein corporally present, having, not in that respect, the same
Intention as the Church, are deprived of the Power of *making the Body
of Jesus Christ*, by virtue of the Sacramental Words. He affirms, in
his tenth Chapter, that *Wickliff*, whom he calls an Evangelical Doc-
tor, was of the very same Sentiment concerning the Eucharist, and
that he only deny'd the corporal Presence of Jesus Christ with regard
to his Life, corporal and animal. When *Jacobel* proceeds to explain
his Sentiment more clearly in the same Chapter, he says, that though
the Body of Jesus Christ, which suffer'd upon the Cross, be totally
present in the Eucharist, nevertheless 'tis not present in it as a *dead
Body*, but, according to his Life, Spiritual and Divine; and that the
Opinion of those who say that Jesus Christ is present in the Eucha-
rist, as a dead Body, is scandalous. In the thirteenth Chapter,
wherein he examines the various Ways of explaining this Matter, he
gives this Caution. *Take heed here*, says he, *of the Wiles of Satan:
For there are some who preach and write, that the Body of Jesus Christ
is spiritually, sacramentally and really in the Eucharist; but they will
not own that it is there in Nature with regard to his Spiritual and Di-
vine Life.* Special Care must be taken, *continues he*, of this Term
*really*; for if it be understood to mean only that real Grace which is
annex'd to the Sacrament, and not the proper Existence of the Body
of Jesus Christ, as to his Spiritual and Divine Life, 'tis a Mistake;
and upon this Occasion he also repeats his Thesis in these Terms.
*The Body of Jesus Christ is, or exists, in the Eucharist spiritually, sa-
cramentally and really, in its proper Being or Nature, according to
his spiritual, divine, real, invisible Life*; and he affirms that to be the
Opinion of the Catholick Church. But he does not say that it ought
from thence to be inferr'd, as some did, on purpose to render him,
and those of the same Stamp, odious, that the Body of Jesus Christ
becomes the Divine Nature, or an Uncreated Spirit. He affirms, on

1418. the contrary, that the Fleſh remaineth truly Fleſh, but that, by the hypoſtatical Union, 'tis ſpiritual Fleſh: Which he ſupports by the Authority of St. *Chryſoſtom* and St. *John* of *Damaſcus*. There was a Neceſſity for giving this Explanation of *Jacobel*'s Doctrine for two Reaſons of Importance with regard to this Hiſtory. The one, that we thereby learn the more exactly what Sentiments concerning the Euchariſt were entertain'd by *Wickliff*, *John Hus*, and *Jerome* of *Prague*, who are apparently the Men whom *Jacobel* calls *thoſe of his own Stamp*. I ſuſpect that they whom *Jacobel* confutes in this Writing were the Remnant of the *Vaudois*, who, in this Matter, held very near the ſame Sentiments with thoſe which *Jacobel* attacks. The other Reaſon is, that here we diſcover the Knavery of the Doctors of the Council, who, in their Articles, charge *Jacobel* with having ſaid that the Bread remaineth after the Conſecration; for he believed Tranſubſtantiation, and the corporal Preſence of Jeſus Chriſt in the Euchariſt. 'Tis very plain from hence, that we muſt not always judge of the Opinions of thoſe who are call'd Hereticks, by the Sentences of their Judges, but by their own Writings. *Jacobel*'s Treatiſe, which was condemn'd, and of which ſome Copies probably were committed to the Flames, has been preſerv'd, to the Confuſion of the Council of *Conſtance*. The MS. of this Treatiſe of *Jacobel* was taken out of the Library of *Vienna*. We return to the other Articles againſt the *Huſſites*.

Continuation of the Articles of the Council againſt the *Huſſites*.

'That there be a ſevere Injunction not to ſing the Ballads 'made by the *Huſſites* againſt the Catholick Church and againſt the 'Council, in favour of *John Hus* and *Jerome* of *Prague*; that all 'the Clergy be forbid to preach without Leave of their Ordinaries; 'that the League of the Clergy and Laity, in favour of *John Hus*, 'and againſt the Council, and againſt the Apoſtolical See, be broken; 'that the Ceremonies of the Church of *Rome* be obſerv'd with re- 'gard to the Worſhip of Images, and the Veneration of Relicks; that 'Perſons relapſed ſhall be burnt; that the Laity ſhall be obliged, on 'Pain of Excommunication, to aſſiſt the Clergy againſt the Tranſ- 'greſſors of theſe Ordinances.

Bull of *Martin* V. againſt the *Huſſites*. *Feb.* 22. *V. d Hardt*, T. IV. p. 1518. *Schelſtr. Diſſert.* p. 188.

LI. UNDOUBTEDLY it was in purſuance of theſe Articles that *Martin* V. publiſh'd a terrible Bull againſt the *Huſſites*. In the firſt Edition of the Acts of the Council of *Conſtance*, which was publiſh'd at *Haguenau* in 1500, the Bull bears this Title: *The Errors of* Wickliff *of* England, *and of* John Hus *of* Bohemia, *condemn'd in the general Council of* Conſtance. But in the Editions that have been publiſh'd ſince, we find this Title; *Letter from* Martin V, *approving the Condemnation paſs'd upon the Errors of* Wickliff *and* Hus *by the Council of* Conſtance. The Difference of theſe Titles is a Thing of greater Importance than one would at firſt imagine. According to the Title of the firſt Edition, *Martin*'s Bull is look'd upon as the Bull of the Council

Council itself, because it was actually granted with the Approbation of the Council, *Sacro approbante Concilio*; whereas, in the Title of the other Editions, 'tis the Pope who approves the Council. In several Copies of this Bull, there is a particular Address to the Clergy and Inquisitors of the Faith in *Germany*, *Bohemia*, *Poland* and *England*, undoubtedly because it was in those Kingdoms that those Opinions were most propagated; but in other Copies *Martin* V. addresses himself to the *Archbishops*, *Bishops and Inquisitors*, *in what Part of the World soever*. In this Bull, the Pope, first of all, charges the Prelates and Temporal Lords with having been *dumb Dogs*, and blames them for not crushing the Evil in its Birth. Then he relates how the Council of *Constance* had been obliged to condemn those Errors, and to expel the Guilty from the Church, and to punish them corporally. But that having heard, that, notwithstanding this Severity, there were not only in *Bohemia*, but in several neighbouring Countries, Persons so rash, as to propagate Errors, to make use of Books condemn'd and burnt by the said Synod, and to contravene its Statutes and Decrees, he orders the Prelates, by the *Approbation of the Council*, to examine all the Guilty, to judge the Hereticks and their Abettors, according to the Laws, and to deliver them up, if it be necessary, to the Secular Arm. He likewise enjoins all Emperors, Kings, Princes, and Lay-Judges, to have a strict Hand over them. And to the end that no Person may pretend Ignorance, *Martin* V. adds to his Bull forty five Articles of *Wickliff*, and thirty of *John Hus*, which had been condemn'd by the Council, and upon which he would have Persons that are suspected of Heresy interrogated and sworn. As these Articles have been before inserted, I will only observe that there is one, upon which I don't remember to have made any Reflection, *viz.* that the Council and the Pope charge this Proposition upon *John Hus* as a Heresy, which, in my Opinion, others would think very Orthodox. *In Jesus Christ, the Divine Nature, and the Human Nature, form one and the same Christ.* I don't know that *John Hus* was examined upon this Article, nor does it appear among the Extracts taken from his Books. Nevertheless it was read in the XVth Session, in which *John Hus* was condemn'd; and here we also find it in the Pope's Bull. After this Remark, 'tis necessary to set down the Questions which *Martin* V. orders to be put to those who shall be accused or suspected of holding the Opinions of *John Hus*, to the end that we may be the better able to judge of the Strictness and Severity of this Inquisition.

1418.

'Tis the fourth Article.

*V. d. Hardt* T. IV. p. 427.

THE Questions which the Pope orders to be put to the Person interrogated are these. 'Whether he did not know and converse 'with *Wickliff*, *John Hus*, and *Jerome* of *Prague*, and how he be- 'came acquainted with them. Whether he did not carry on the 'same Correspondence with them as ever, after he knew that they

1418. ‘ were excommunicated. Whether, after their Death, he did not ‘ pray for them, in hopes of their Salvation; or whether, reſpecting ‘ them as Saints, he did not pay them ſome Worſhip. Whether he ‘ is not fully perſuaded that all general Councils, and that of *Con-* ‘ *ſtance* in particular, repreſent the Catholick Church; and that what ‘ this Council has approv'd, and approv'd for the Sake of the Faith ‘ and the Salvation of Souls, ought to be approv'd and adher'd to by ‘ all Believers; and that what it has condemn'd, as contrary to Faith ‘ and good Manners, ought, in like manner, to be deem'd as duly ‘ condemn'd. Whether he approves the Sentence which the Council ‘ paſs'd againſt *John Wickliff*, *John Hus*, and *Jerome* of *Prague*, as ‘ well as againſt their Doctrine and Books. Whether he has in his ‘ Cuſtody any Books, Works, Letters or Tracts of thoſe Arch- ‘ hereticks, or their Diſciples; and whether he will ſwear to deliver ‘ them up to his Biſhop, and to diſcover thoſe that have any. Whe- ‘ ther he believes, that 'tis not lawful to ſwear in any Caſe (1). ‘ Whether he does not think that all wilful Perjury, committed upon ‘ any Occaſion whatſoever, for the Preſervation of one's own Life, or ‘ another Man's, and even for the Sake of the Faith, is a mortal ‘ Sin.' The *Flagellants*, indeed, are accuſed of having taught this Doctrine; but I don't know that either *Wickliff*, *John Hus*, or *Jerome* of *Prague*, ever advanc'd any thing like it. On the contrary, *John Hus* would never retract, for fear of offending God by Perjury; and *Jerome* of *Prague* publickly teſtify'd his Repentance that he had per- jur'd himſelf by his Recantation. But might not the Perſon, to whom ſuch Queſtion was put, ask, in his Turn, whether a perfidious Action, ſuch as the Violation of a Safe-Conduct, for the Sake of the Faith, is lawful? To return to the Queſtions. ‘ Whether he be- ‘ lieves, that, after Conſecration, there is no longer any material ‘ Bread and Wine in the Sacrament of the Altar; that there abſo- ‘ lutely remaineth only the ſame Jeſus Chriſt, who ſuffer'd upon the ‘ Croſs, and that he exiſteth therein entire both in Body and Soul, ‘ in his Godhead, and in his human Nature, under both Species. ‘ Whether he does not believe, that the Cuſtom of communicating to ‘ the Laity only in the Species of Bread, which has been obſerv'd ‘ throughout the whole Church, and approv'd by the Council of ‘ *Conſtance*, ought to be preſerv'd inviolably; and that they who ob- ‘ ſtinately maintain the contrary, are Hereticks. Whether he does ‘ not believe, that 'tis a mortal Sin to deſpiſe the Ceremonies of the ‘ Church; particularly Exorciſm, the Sacraments, ſuch as, for In- ‘ ſtance, Baptiſm, Confirmation, Extreme Unction and Marriage; ‘ and that, beſides internal Contrition, every Chriſtian is obliged to

(1) *Wickliff* was accuſed of having taught this Doctrine.

confeſs

'confeſs to a Prieſt, and not to the Laity, be they ever ſo holy. 1418.
'Whether he does not believe, that the Prieſt, in Caſes which are
'allow'd him (1), may abſolve the Sinner, after he has confeſs'd and
'given Marks of his Contrition, and impoſe a Penance on him.
'Whether he does not believe, that a vicious Prieſt, who officiates
'with the neceſſary Matter and Form, and with an Intention to do
'what the Church doth, legally confers all the Sacraments, and that
'he truly formeth the Body of Jeſus Chriſt in the Euchariſt. Whe-
'ther he doth not believe, that St. *Peter* was the Vicar of Jeſus
'Chriſt, and that he receiv'd the Power of binding and looſing upon
'Earth. Whether he doth not believe, that a Pope elected canoni-
'cally is the Succeſſor of St. *Peter*, and that he has a Sovereign Au-
'thority in the Church of God.' *Note*, that *Martin* V. means here that the Perſon interrogated ſhall expreſsly name *ſuch Pope* (.).
'Whether he doth not believe, that the Authority of a Pope, an
'Archbiſhop, and a Biſhop, to bind and looſe, is greater than that
'of a meer Prieſt, even though he ſhould have Cure of Souls.
'Whether he doth not believe, that the Pope may grant Indulgencies
'for the Remiſſion of Sins to all Chriſtians that are truly contrite,
'and who have confeſs'd, but eſpecially to thoſe who viſit the Holy
'Places, or who aſſiſt thoſe that viſit them; and that Biſhops may
'alſo grant Indulgencies in their Dioceſes, according to the Limita-
'tion of the Canons. Whether he doth not believe, that 'tis lawful
'to worſhip the Relicks and Images of Saints. Whether he doth not
'believe, that the *Religions* ( ) approv'd of by the Holy Fathers
'were introduc'd with good Reaſon. Whether he doth not believe,
'that the Pope, and every other Prelate, may excommunicate his
'Eccleſiaſtical and Lay Subjects for Diſobedience, and, in caſe
'of Contempt, aggravate the Excommunication, put the Places
'under an Interdict, and implore the Aſſiſtance of the Secular
'Arm. Whether he doth not believe, that 'tis lawful for the Clergy
'to poſſeſs Temporalities, and that 'tis not lawful for the Laity to
'take them away by their own Authority; but that, on the contrary,
'ſuch Uſurpers ought to be puniſh'd, as ſacrilegious Perſons, even
'tho' the Clergy who poſſeſs thoſe Eſtates, are bad Livers. Whe-
'ther he believes it to be lawful for the Laity of both Sexes to preach
'the Word of God. Whether he believes it to be lawful for all
'Prieſts to preach every where, at all times, and to whomſoever they
'pleaſe, even though they ſhould have no Miſſion. Whether he be-

(1) That is to ſay, in thoſe Caſes which are not reſerv'd to the Biſhop or the Pope.

(2) *Ejus proprio nomine expreſſo i. e.* His proper Name being expreſs'd. *Von Hardt*, T. IV. p. 1528.

(3) That is to ſay, the Monaſtick Orders.

'lieves.

1418. 'lieves, that all mortal Sins, especially those which are manifest, ought 'to be publickly corrected and extirpated.' This Opinion *Æneas Sylvius* ascribes both to the *Vaudois* and the *Hussites*, whom he takes to be all one, though they were very different.

*Æn.* History of Bohem. cap. 35.

Remarks on that Bull.

LII. I have some historical Remarks to make on this Bull, and upon the Questions which the Pope desires to be put to suspected Persons. The first is, that in one of those Questions *Martin* V. would have the Person accused made to swear, that he believes that all general Councils, and in particular the Council of *Constance*, represent the Catholick Church; and that every thing which the Council of *Constance* has approv'd and condemn'd, ought to be approv'd and condemn'd by all the Faithful. Thus you see *Martin* V. canonically elected, very formally deciding a Question in favour of the Council of *Constance*, which has been controverted with so much Warmth between the Divines of *Italy* and those on this side of the *Alpes*, because he expressly declareth that the Council of *Constance* is an universal or oecumenical Council. Moreover, since the Decisions of the Council of *Constance* ought to be approv'd by all Mankind, the Superiority of the Council over the Popes is clearly establish'd by *Martin* V, because this Superiority was decided in the Vth Session of the Council of *Constance*, and because *Martin* himself understands it, not only of this Council, but of every other general Council, as it had been decided in that Session. The Exception, which the Librarian of the *Vatican* makes against it, is entirely frivolous. He says, that in this Bull *Martin* V. only meant to approve the Decrees of the Council of *Constance* against Hereticks, *in favour of the Faith, and for the Salvation of Souls*, as this Pope expresses it. What then? Is not the Superiority of the Pope over the Council, *or of the Council over the Pope*, a Matter of Faith? and if the Council had a Right to decide every other Question, why should it not have a Right to decide this? Is it not a Matter of *Importance to the Faith, and the Salvation of Souls*, that the Popes should not do every thing as they pleas'd, but that their Authority should be moderated by general Councils? Besides, is there any Person disinterested in the Question that can swallow the Maxim of *Schelstrate*, and those of his Stamp? It amounts in Substance to this: *All the Decrees of a general Council against Hereticks ought to be approv'd, but not those which are made by a Council for restraining the Authority of the Popes.* Also *Messieurs Richer* and *Dupin*, both Doctors of the *Sorbonne*, did not fail to take Advantage of this Bull of *Martin* V. in favour of the Superiority of the Councils; and they were in the Right so to do, because this very Bull of *Martin* V. was one of the Arguments made use of at the Council of *Basil*, to prove the Superiority of Councils over the Popes, against *Eugene* IV, who pretended, that, if he recall'd his Legates,

*Schelstr. Differt.* III. cap. 3.

*Natalis Alexander's* History of general Council, *Lib.* II. *n.* xxxi.

*Dupin de Antiq. Diff. V. P.* 417. *Ed. Par.* T. V. *Lovan. p.* 34.

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the Council of *Baſil* could no longer ſubſiſt. Upon this Head, let us hear *John* of *Segovia*, a famous Divine at the Council of *Baſil*. 'It 'appears, *ſays he*, from the Bull which Pope *Martin* publiſh'd on the 'second of *February*, with the Approbation of the Council, that what 'the Council hath approv'd, and what it doth approve, in favour of 'the Faith, and for the Salvation of Souls, ought to be approv'd and 'adher'd to by all Chriſtians; and that what it hath condemn'd, and 'what it doth condemn, as contrary to Faith and good Manners, 'ought to be deem'd every where as lawfully condemn'd.' Inſtead of the Evaſions and Quirks, which the Pope's Divines have invented to get off of the Difficulty which this Bull of *Martin* has involv'd them in, they would have done better if they had publickly diſclaim'd it. But which Way could they do this without ſapping the very Foundations of the Pope's Infallibility, when he pronounces *ex Cathedrâ*, and at the Head of a Council? 1418.

THE ſecond Remark which I have to make upon this Bull, is, that it does not therein appear that the Council at *Conſtance* derives its Force and Authority from the Approbation of the Pope, of which there is no Mention made in the Bull; for, on the contrary, 'tis formally back'd with the Approbation of the Council. Indeed *Schelſtrate* ſays, that, *by Chance, and when he was looking for ſomething elſe, he unexpectedly met with another Bull, the Form of which is quite different from this* (1), though it is of the ſame Date, and relates alſo to the Extirpation of the pretended Hereſies of *Wickliff*, *John Hus*, and the *Huſſites*. In this Bull, ſo luckily diſcover'd by *Schelſtrate*, *Martin* V. ſpeaks of two Conſtitutions of *John* XXIII. made at the Council of *Rome* againſt *Wickliff*, *John Hus*, and *Jerome* of *Prague*; and he inſerts, *verbatim*, the Decrees of the Council of *Conſtance* againſt the Propoſitions of *Wickliff* and *John Hus*, and againſt the *Error* of the *Bohemians*, concerning the Communion in both Kinds. Then the Pope declares, that, *by the Apoſtolical Authority, and from his own certain Knowledge, he approves and ratifies all the ſaid Statutes and Decrees, and that, by his own Authority, he ſupplies all Defects that may happen to be in it.* There are none of the Queſtions in it which *Martin* V. would have put to Perſons ſuſpected of Hereſy, nor in particular that relating to the Council of *Conſtance*; an Omiſſion which ſeems to me extremely ſuſpicious. 'Tis very ſtrange, in ſhort, that the Fathers of the Council of *Baſil*, who drew up and approv'd of the Decrees of the Council of *Conſtance*, as they were afterwards printed at *Huguenau*, ſhould know nothing of this Bull found out by

(1) Opportunè omninò accidit quod pervolvens hiſce diebus Regiſtrum MSS Vaticanorum Martini, aliud quærendo, aliud reperierim. Incidi namque præter ſpem omnem in Bullam Martin longè ſuperiorem deviſam *Schelſtrate Diſſert* p. 103.

1418. *Schelſtrate*, but, inſtead of it, ſhould meet with one that was quite different. I thought myſelf the more obliged to ſpeak of this Bull, becauſe, before *Schelſtrate* mention'd it, 'twas not known to the Publick. Mean time, I leave my Readers to judge if it was not made too late to anſwer the Purpoſe, as *M. Dupin* ſuſpects it was (1).

THE third Remark to be made upon the Bull of *Martin* V. is, that though it is chiefly levell'd at the Opinions of *Wickliff*, *John Hus*, *Jerome* of *Prague* and *Jacobel*, yet it orders Interrogatories to be made concerning ſome Articles, upon which it does not appear that thoſe Doctors differ'd in Sentiments from the Church of *Rome*. The Reaſon of it is, that there were at that time, in divers Parts of *Europe*, great Numbers of People who diſſented from that Church, ſome in one Senſe, and ſome in another; and *Martin* V. has comprehended in his Bull all thoſe whom he look'd upon as *gone aſtray*, in what Part ſoever of the World they liv'd. The Remains of the *Vaudois* and *Albigenſes*, whom the Inquiſition had expell'd from *France*, were ſcatter'd up and down in *Italy*, *Spain*, *Germany*, *Bohemia*, *Hungary*, *England*, *&c.* In this laſt Kingdom, the *Lollards* (2), a Branch of the *Wickliffites*, made a very great Noiſe at that time, having at their Head the *Engliſh* Lord *Cobham*, better known by the Name of Sir *John Oldcaſtle* (3), who was executed towards the Cloſe of the Year 1417, on Pretence of a Rebellion, but in reality for *Wickliffitiſm*. On the other hand, the *Huſſites* of *Bohemia* were not agreed among themſelves on the Subject of Religion. Some, who were afterwards term'd *Calixtins*, from the Word *Calix*, that is to ſay, *Chalice*, only differ'd from the Sentiments of the *Romiſh* Church, in declaring for the Laity's receiving the Communion in both Kinds. The others, who were far more numerous, differ'd from that Church almoſt in every thing. As far as I am able to judge of them by their Confeſſions of Faith, they came pretty near to the Sentiments which *Æneas Sylvius* aſcrib'd to the *Vaudois* (4). They were call'd *Thaborites* from the Word *Thabor*, which, in the *Bohemian* Tongue, ſignifies Tabernacle or Tent, becauſe they encamp'd on a Hill near *Prague*, which, for that Reaſon, was call'd *Thabor*. They alſo aſſum'd the Name of *Orphans*, after they had loſt *Ziska* their General. Nothing can be more curious to read than the Deſcription which *Æneas Sylvius* has given of the *Thaborites* with whom he found Shelter from

*Collier's* Eccleſiaſtical Hiſtory. *Bzov. Spond. Rayn.*

(1) Mitto auctoritatem MSS. Vaticanorum in quibus iſte recentiori manu adjici potuit. *Dup. ubi ſupr.* p. 418.

(2) See *Acta Regia*, Vol II.

(3) See the Hiſtory of the Council of *Piſa*, Part II. p. 289, 294.

(4) Vide Confeſſionem Taboritarum ap. Lyd. Rotterod. 1616. Æn. Sylv. ubi ſupra, cap. 47. *See alſo* Balbinus *the Jeſuit of* Prague. Epit. rerum Bohemicarum, p. 421. Æn. Sylv. p. 41.

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the Robbers when he was Legate in *Poland*. 'Tis in his fourteen and thirtieth Letter. After *Aeneas Sylvius*, the Jesuit *Balbinus* tells us, that the *Taborites* were well fortify'd in their Sentiments by a Sect of forty *Picards*, who arriv'd at *Prague* from *France* in 1421, with their Wives and Children, having at their Head one *Picard*, from whom they took their Name (t). Nevertheless, they did not subsist there long, because *Ziska* himself rooted them out. 'Tis said, that they renew'd the extravagant Superstition of the *Adamites*; that *Picard* commanded them to go always naked; and that he allow'd them to marry the first Woman they had an Inclination to, without any other Formality than the Permission of their Leader. In short, there was still in *Germany* a great Number of *Flagellants*, who entirely slipp'd the Authority of the Church of *Rome*, and who, in some Articles, came very near to the *Vaudois* and the *Thaborites*. The Bull of *Martin* V. has a Retrospect therefore to all those different Opinions; and 'tis for this Reason that, in the *Vatican* Library, there are Copies of this Bull, wherein 'tis address'd to the Prelates of several Kingdoms, particularly those of *Poland*, *Bohemia*, *England* and *Germany*. Having made this Digression, we must now resume the Thread of the History.

LIII. *COCHLAEUS*, and after him *Bzovius*, give an Account of a Letter which the Pope wrote to the great Men of *Bohemia*, exhorting them to renounce *Hussitism*. 'Tis dated in *March* this Year; and the Pope therein gives a very tragical Description of the Acts of Violence and Outrage, which the *Hussites* committed over all *Bohemia*. 'The Images, *says he*, of Jesus Christ, the Virgin, and other Saints, 'are there broke in Pieces, burnt, and shamefully soil'd. All the 'Church Ceremonies are trampled under Foot, the Clergy are robb'd, 'imprison'd, made to endure a thousand sorts of Punishment, and, 'while Persons excommunicated are maintain'd with open Force, the 'Believers are cruelly persecuted. The Festivals of *John Hus* and '*Jerome* of *Prague* are celebrated. The Communion in both Kinds 'is every where administer'd, and even by Laymen, in spite of the 'Decrees of the Church, against which trifling Constitutions are 'publish'd. In a word, the Church never suffer'd a more barbarous 'Persecution under the *Pharaohs* and the *Nero's*.' After this horrible Picture, the Pope exhorts the *Bohemians* to return to the Pale of the Church; and he represents to them, that though they

The Pope's Letter to the great Men of *Bohemia*. *Cochl.* Lib. IV. p. 153.

(t) Some say this; but others, that they were so call'd because they came from *Picardy*. Some think they were so denominated by Corruption of the Word *Beguards*; others, in fine, derive the Name from the old *Picardese* Word, which signifies *Weaver*. Upon this, see *Thomas Walsingham*'s History of *Bohemia*, cap. 32. *Theod. de Bell. Hist.* cap. 32, 51. *Cochl. Strat. in Dessert. de Waldens. Bzov. Cent. XV.* Observations upon the *Adamites*. *Bibl. de Germain.* T. IV. Art. III.

1418. have not yet been prosecuted with that Severity which their Rage and Impiety deserv'd, it was only in Regard to the Emperor, to the King of *Bohemia*, and to a Kingdom which had always appear'd so faithful to the Church. But at the same time he threatens them with all the Severity of the Laws, and of the Secular Power, if they do not improve by this charitable Correction.

The Pope sends a Legate to *Bohemia*.

LIV. THE Minds of the People were too much inflam'd, and Matters had been push'd too far in *Bohemia*, to hope for any good Effect either of Menaces or Exhortations. The Execution of *John Hus* and *Jerome* of *Prague*, added to the Excommunication of the *Bohemians*, had incens'd the greatest Part of the Kingdom against the See of *Rome*, and against the Council of *Constance*, whose Decrees and Letters only added Fewel to the Fire. And it was in vain that *Martin* V, not content with his Bull and his Brief, did afterwards send *John Dominic*, Cardinal of *St. Sixtus* (1), of the Order of *Preaching Friers*, his Legate into *Bohemia* and *Hungary*, to reclaim the *Hussites*; for this Prelate was obliged to return back *re infectâ*, and wrote to *Sigismond* and the Pope, that the Tongue and the Pen were no longer of any use; and that, without any more ado, it was high time to take Arms against such obstinate Hereticks. The Emperor, however, was loth to proceed to this Extremity so soon, notwithstanding the violent Measures which *Gerson* had prescrib'd to him the Year before. After the first Disorders of the Year 1417, the *Hussites* lay still, and made no fresh Attempt, in hopes that the Council, being alarm'd at the Noise which this Affair made in *Bohemia*, would enter into milder Resolutions with regard to them. But being deceiv'd, they resolv'd, at last, to take Arms for the Defence of their Religion and Liberty; and, on the 6th of *April*, 1418, they repair'd to the Castle of *Wisgrade*, to consult what Measures were proper to be taken at this Juncture. There it was that they resolv'd to depute *Nicholas* Lord of *Hussinetz*, who had been the Protector of *John Hus*, to King *Wenceslaus*, to intreat him to grant them more Churches than they had, because their Numbers increas'd every Day. The King was very much alarm'd at this Demand; but as he was afraid of being committed to Prison the third time, he set a good Face on the Matter, and bad them come again in three Days to know his Resolution. Mean time, having sent Word to *Nicholas*, *That he was twisting a Rope which would serve to hang him*, *Nicholas*, that he might act with more Safety, withdrew from *Prague* into the Country, where his Party increased every Day. Not many Days were expir'd when the King sent Word to the *Hussites*, by one of his Counsellors, that he wish'd

*Rayn.* 1418. n. ix.

*Theobald.* cap. 28.

(1) As for this Cardinal, see the History of the Council of *Pisa*, Part I. p. 195, 196.

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them very well; but that, as a Proof of their Obedience, he requir'd that they ſhould bring their Arms to the Palace by ſuch a Day, and lay them down at his Feet. The Magiſtrates, who were *Huſſites* for the major part, were in a ſad Conſternation at this News. In caſe they refuſed Obedience, they had every thing to fear from the King's Reſentment: But, on the other hand, they plainly foreſaw, that if they caus'd ſuch an Order to be put in Execution, the People would infallibly riſe in Arms to ſupport the Cauſe of the *Huſſites*. *Ziska*, talking with ſome of them one Day, gave them a Piece of Advice which extricated them out of their Difficulty. *You are very ſilly*, ſays he, *to be ſo much alarm'd. I know the King better than you do; he will be ſo pleaſed to ſee you very ſpruce and well arm'd, that he will chuſe rather to make you a Preſent of your Arms, than to take any from you; and whenever you are diſpoſed to go to the Royal Palace, I am ready to be your Leader.* Which was no ſooner ſaid than done; for on the 15th of *April*, the *Huſſites* went well arm'd to the Palace, with *Ziska* at their Head, who was at the ſame time General and Speaker of the Aſſembly. *Behold, here we are in Arms*, ſays he to the King, *in Obedience to your Majeſty's Orders, and ready to ſpill the laſt Drop of our Blood againſt your Enemies, provided we did but know them.* The King, charm'd with *Ziska*'s Courage and Reſo'ution, ſent them home again in Peace; and *Ziska*, on his Part, having thereby acquir'd the entire Confidence of the People, began to put thoſe Deſigns in Execution, which he had been for many Years contriving; and the many tragic Scenes, with which Hiſtory is full, now began to open. 1418.

LV. ABOUT the End of *February*, the Emperor ſet out for *Baſil*, with a Deſign to ſpend ſome Days there, yet he took the ſame Rout back again the next Day after he ſet out; but, according to *Dacher*, the true Reaſon of it was a Secret. *Stumphius* pretends, that *Sigiſmond* was taken ill upon the Road, and therefore obliged to return to *Conſtance*; but *Dacher*, who was an Eye-witneſs of thoſe Things, ſays, that 'twas not till his Return that this Prince was obliged to take to his Bed for a Pain in his Foot: Therefore I ſhould be apt to ſuſpect, that what obliged the Emperor to go back again, was the Quarrel between the *Poles* and the Pope about *Falkenberg*'s Book; which the *Poles* wanted to have condemn'd, but *Martin* always refuſed it, though the Commiſſioners in that Caſe had determin'd that the Book ought to be condemn'd in a publick Seſſion. What Air ſoever the Emperor put on, 'tis certain that he was diſguſted with *Martin* V, as well as all the Nations, except the *Italians*. This Pope began to tread in the Steps of *John* XXIII, and to amuſe the World with Shifts and Excuſes; ſo that if the Council had not been weary with ſitting ſo long, the ſame Scenes perhaps would have turn'd up with regard to this Pope, as had been repreſented with regard to

The Emperor returns from *Baſil*. *V. d Hardt.* T. IV. p. 1531.

1418. the three other Pontiffs. Be that how it would, the Ambaſſadors of *Poland*, perceiving that, in the Synodical Letters which the Pope ſent to the Inquiſitors of the Faith in that Kingdom, he made no mention of *Falkenberg*'s pernicious Book, declar'd, that they were reſolv'd to appeal to the next Council.

*About the Clofe of February.*

*The Pope gives the Golden Roſe to Sigiſmond. March 6 Reichenthal.*

LVI. MEAN time *Martin* V, as *John* XXIII. did before him, endeavour'd to gain over *Sigiſmond* by Preſents and empty Honours. On the 6th of *March*, the Pope ſolemnly conſecrated the Roſe of Gold, which he ſhew'd to the People with great Ceremony, and at the ſame time gave them his Bleſſing. The Cardinals, Archbiſhops, Biſhops, Electors and the Princes, accompany'd by an incredible Multitude of People, preſented it to him, with great Pomp; and, in order to receive it decently, he cauſed himſelf to be ſeated in a Throne, where he took it, with very great Devotion, in Sight of all the People.

See Vol. I. p. 122 *Bonanni Numiſm. Pontif. &c.* T. II. p. 489, 491.

WE have already ſeen this ſame Emperor accepting the Golden Roſe from *John* XXIII. The Canon Lawyers have been at a great deal of Pains to ſhew us the Origin of the Golden Roſe. *Theophilus Raynaud*, who has treated of it expreſsly, ſays, that this is a very ancient Cuſtom in the Church, and that 'tis not eaſy to trace the Antiquity of it, nor to diſcover who was the firſt Author of it. Some ſay it was inſtituted in the fifth Century, others in the ninth; but 'tis certain, that the Popes had been long accuſtomed to conſecrate a Roſe on the *Sunday Lætare Hieruſalem*, three Weeks before *Eaſter*. I learn, from *Henry de Sponde*, that *Peter de Blois*, who was celebrated in the twelfth Century, makes Mention of this Cuſtom, and gives myſtical Reaſons for it in ſome of his Sermons. *James Picant*, a Canon of *St. Victor* at *Paris*, in his Notes upon the Hiſtory of *England*, written by *William* of *Newbourgh* about the End of the ſame Century, gives us the Extract of a Letter from *Alexander* III. to *Lewis* the young King of *France*, when he ſent him the Golden Roſe. *In Imitation*, ſays this Pope to the Monarch, *of the Cuſtom of our Anceſtors, who carry'd a Roſe of Gold in their Hands upon* Lætare Sunday, *we thought we could not preſent it to any body who better deſerv'd it than your Excellence, by reaſon of your extraordinary Devotion to the Church and ourſelves.*

*Contin. Ann. Eccl. Part alt. p. 444. Pet. de Not. on William de Newbourgh, Lib. III. cap. 4. p. 752.*

THE ſame Author tells us of a Sermon which *Innocent* III. preach'd the ſame Day upon the Myſtery of the Golden Roſe, wherein the Pope ſaid, that this *Roſe was compoſed of Gold, Musk and Balm, and that the Musk added to the Gold, by means of the Balm, repreſents three Subſtances in Jeſus Chriſt*, viz. *the Divinity, Body and Soul.* I have not ſeen any Author who explains himſelf more fully upon the myſtical Reaſons of the Golden Roſe, than *William Durand*, a School

a School Divine of the XIIIth Century (1). 'On that very Day, 1418.
'*says he*, when we enter Mid-Lent, the Pope, as he goes to Church
'and returns from it, carries a Rose of Gold, which he shews to all
'the People, to encourage them to bear up under the Austerities of
'Lent. For all that Day is set apart to Joy, of which the Rose is
'an Emblem, both for its Colour, Smell and Taste; its Colour in-
'spiring Joy, its Scent giving them Pleasure, and its Taste being
'strengthening. This Rose, in the Pope's Hand, denotes the Joy
'of the Children of *Israel*, at the sight of their Deliverance from
'the Captivity of *Babylon*. After having consecrated the Rose, the
'Pope makes a Present of it to some one or other of the greatest No-
'blemen then at his Court, *&c.*' *Andrew Du Chesne* tells us, that Pope *Urban* V, in 1368, gave the Golden Rose to *Joan* Queen of *Sicily*, preferably to the King of *Cyprus*, who was at the Ceremony; and that from that Time began the *Custom of sending such Roses to Queens and Princesses.* From what has been now said, it appears that, what was at first no more than a religious Ceremony, became in Process of Time, an Act of Authority, by which the Popes, when they gave the Golden Rose to Sovereigns, acknowledged them for such, while those Princes, on their Part, were fond to accept this sort of Homage from the Pope, though, in the main, they had no Need of it. We find, in the History of the Reformation of *England*, that *Henry* VIII. gladly received it from the Popes *Julius* II. and *Leo* X, whose Yoke he afterwards publickly shook of. Having made this Digression, we will resume the Thread of the History.

*Andrew Du Chesne's History of the Popes, T. I. p. 14[illegible].*

LVII. Some Days after this, the Pope assembled a Consistory, to hinder the *Poles* appealing from his Judgment to the next Council, as they had form'd a Design to do. He therein issued a Constitution, *Ad perpetuam rei memoriam*, whereby he declares, *That it is not lawful for any Person to appeal from the Sovereign Judge*; that is to say, *the Apostolical See, or the* Roman *Pontiff, who is the Vicar of Jesus Christ upon Earth, nor to dispute his Judgment in Matters of Faith,*

*[illegible] not lawful to appeal from the Pope's Judgment.*

(1) In hac Dominica Roman. Pontif. celebraturus ad Ecclesiam pergens & rediens auream in manu sub aspectu populi fert rosam. Circa quod duplex invenitur ratio, una secundùm literam, altera secundùm spiritum. Sanctè secundùm literam, ne taedio populus propter quadragesimalis observantiae deficeret [illegible] quod caret alterna requie durabile non est, ideò in hac mediana Dominica Quadragesimae quoddam recreationi solatium interponitur ut anxietas [illegible] *Rupert. de Divin. Offic.* Lib. VI [illegible]

1418. *which, like greater Causes, ought to be referr'd to his Decision. Gerson* speaks of this Constitution in his Apologetic Dialogue, wherein he declares it to be affirm'd, by those who have seen it, *that it tends to destroy the entire Authority, not only of the Council of* Pisa, *but of* Constance, *and to render all that those Councils have done null and void, either in electing a Pope or in rejecting Intruders.*

*Gers.* T. II. p. 392, bottom.

*Gerson* confutes the Pope's Constitution, T. II. p. 303. *V. d. Hardt*, T. IV. p. 98.

LVIII. THIS was what gave him Occasion to compose a Tract towards the latter End of the Council, wherein he examines, *whether, and in what Case, 'tis lawful to appeal from the Judgment of the Pope.* To this Constitution of the Pope, he opposes the Decree of the Vth Session of the Council of *Constance*, which imported, that every Person, of what Dignity soever, though Papal, is obliged to obey this Council in Matters relating to the Faith, to the Extirpation of the Schism, to the Reformation of the Church in its Head and Members; and that whoever shall disobey, though he be a Pope, shall be punish'd according to the Laws. To this Decree of the Council, *Gerson* adds several Arguments to prove that 'tis lawful to appeal from the Judgment of the Pope. The first is drawn from those Words of Chap. xvii. of St. *Matthew*, *If thy Brother shall trespass against thee, tell it unto the Church; and if he neglect to hear the Church, let him be unto thee as a heathen Man, and as a Publican.* Which, *says he*, has a View to the Pope, as well as to the rest of Mankind; because that, besides his not being infallible, he is our Brother and our Neighbour. The second Argument is drawn from the Censure which St. *Paul* addresses to St. *Peter*, the Sovereign Pontiff of the Church, though Heresy is not the thing in Question, but mere Dissimulation. From whence it follows, that every Doctor of the Church, having a Right to be consider'd as St. *Paul*'s Successor, may reprove the Successor of St. *Peter*, even though he were not a Heretick. The third Argument is, that the Pope, being a Member of the Body of the Church, as well as other Men, if it was not lawful to appeal from his Judgment, it would from thence follow, that if he should happen to scandalize the whole Body, it would not be lawful to cut him off; which is contrary to the Doctrine that Jesus Christ has taught in the same Chapter of St. *Matthew*. The fourth, that if it was not lawful to go from the Pope's Judgment, St. *Peter* would have been under no Obligation to give an Account to the Apostles and the Brethren of the Visit he made to *Cornelius*, who was a Gentile. Which he did nevertheless, thereby giving his Successors a Pattern of Humility, which they are obliged to follow. The fifth, that since the Pope may happen, as well as others, to do a Person an Injury, either in Reputation, or with regard to his Faith, it would from thence follow, that the Person, to whom the Pope has done the Injustice, could never justify himself, which is contrary to the natural Law, to which the Divine

*Acts* xi. 23.

Divine Law is not oppoſite. Suppoſe, for inſtance, ſays *Gerſon*, that any one preaching before the Pope, and before all the People, that Jeſus Chriſt is a true Prophet, the Pope ſhould take it into his Head to commit the Preacher to Priſon, for having preach'd this Truth; would it not be lawful for this Preacher to appeal from him to a Council, for fear leſt the Judgment of the Pope ſhould engage the People to abjure the Chriſtian Religion? The ſixth Argument is, that it would follow from thence, that the Pope could not be depoſed in any caſe, how criminal and ſcandalous ſoever, which nevertheleſs is contrary to the Practice of the Council of *Piſa*, and that of *Conſtance*. The ſeventh is, that it may be inferr'd from thence, that a general Council is not ſuperior to a Pope, which is alſo contrary to the Practice of the Council of *Conſtance*, which did not proceed to the depoſing of *John* XXIII. till this Article had been unanimouſly reſolv'd on. As to the Objection, that a general Council is not above the Pope but in Caſe of Hereſy, becauſe, in ſuch Caſe, the heretical Pope ceaſeth to be a Pope, is actually depoſed *ipſo facto*, and becomes the loweſt of Men, *Gerſon* makes Anſwer, 1. That *John* XXIII. was depoſed without being accuſed or convicted of any Hereſy, which is plain, becauſe, till he was depoſed, the Council always held him for true Pope. 2. That 'tis not true that a Pope is *ipſo facto* depoſed as ſoon as he is a Heretick, eſpecially if the Hereſy be ſecret, any more than the other Biſhops. 3. That this Maxim, that a Pope or Biſhop is actually depoſed as ſoon as he is heretical, is liable to very dangerous Conſequences, becauſe it would render all the Eccleſiaſtical Polity uncertain, as well as the Adminiſtration of the Sacraments. *It ſuccours*, ſays he, *the Hereſy of* Wickliff, *which chiefly conſiſted in ſaying, that a Pope, a Biſhop, or a Prieſt, does not conſecrate when he is in a State of deadly Sin*; *and the Council has only condemn'd this Hereſy upon the Foundation, that though the Crime of Hereſy obſtinately maintain'd renders a Pope worthy of being depoſed, however he is not deem'd to be ſo, till there be a Judgment in due Courſe of Law.* From thence he proceeds to take Notice of ſome Inconveniences which would ariſe from *Martin* V's Conſtitution, and which, he ſays, this Pope himſelf would not be reconcil'd to. For inſtance, it might from thence be inferr'd, that *John* XXIII. is ſtill a Pope, that *Martin* V. was illegally choſen, and that *Sigiſmond* was illegally confirm'd Emperor. Finally, *Gerſon* proves, by eight Propoſitions, that there is a Neceſſity for appealing from the Pope's Judgment in Matters of Faith, becauſe the Pope is not infallible; and that the Popes and their Court are ſeldom in a Capacity of judging ſo well of theſe Matters as the Doctors, who have ſtudy'd the Scripture. Theſe are the eight Propoſitions. 1. In Matters or Caſes of Faith, 'tis neceſſary that the Decrees be founded upon an infallible Rule. 2. The Catholick

1418.

1417. Church, or the Council which represents it, is the only infallible
Judge, that is not capable of erring in the Faith. 3. No private
Man can render a Proposition heretical which is not so, nor make a
Proposition Catholick which is Uncatholick. Consequently, to speak
properly, neither the Pope nor any Bishop can render a Proposition
heretical; but yet they may declare a Proposition heretical which
does not appear such to some, with this Difference, that the Decla-
ration of a Pope extends to all Believers, whereas that of a Bishop is
confin'd to his Diocese. 4. The Decision of a Bishop, and also of a
Pope, singly and consider'd as a Bishop or as a Pope, does not
oblige the Faithful to believe, that what they have decided is a
Truth of Faith, because every Pope, as well as every Bishop, may
err in the Faith. But, however, the Faithful are oblig'd, upon Pain
of Excommunication, not to dispute against this Decision, unless there
appears to be a manifest Reason for opposing it, either in the Holy
Scriptures, or in some Revelation, or from the Determination of the
Church in a general Council. 5. As in Causes of Faith, 'tis allowable
to appeal from the Judgment of a Bishop to that of a Pope, because
the Bishop may err in the Faith; for the very same Reason, 'tis al-
lowable to appeal from the Judgment of a Pope to that of a Council.
And there's the more Reason for it, because often, at the Court of
*Rome*, there are not so many Doctors of Divinity as there are in
other Places where there are Universities. 6. In Matters of Faith,
a Cause is call'd *Major*; not for the Importance of the Matter, as if,
for example, the Trinity was the Case in Question, but because 'tis
Deut. 17. 8—12 difficult and ambiguous, as appears from the xviith Chapter of *Deu-*
Exod. 28. *teronomy*, and the xviiith of *Exodus*. And the Canons are grounded
upon these Passages, when they say, that *the Judgment of the major*
*Causes of Faith appertains to the Apostolical See.* 7. A Cause may be
deem'd *Major* in a Diocese, and, for that Reason, referr'd to the Pope,
which will not be such in another Diocese, where there may be more
Doctors capable of deciding it. 8. 'Tis no less necessary, that a Bi-
shop, a Pope, or a Council, should obviate certain pernicious Scandals
and Maxims, tending to the Destruction of Christian Society, which
is founded upon the Observation of God's Commands; particularly
Usury, Theft, Adultery and Murders, committed by private Persons,
and without publick Authority. 'Tis no less necessary, says *Gerson*,
to obviate those Scandals, than to check Errors, contrary to any of
the Articles of the Apostles Creed; and when those Cases are the
Matters in Question, 'tis allowable to except against the Judgment
of him, who, with his Council, wanders from the Faith in these Ar-
ticles, or who renders himself suspected of Dissimulation, or of too
great Indulgence. *Gerson* concludes this Tract with a Protestation
that he did not compose it with a view to give Offence to any Person,
much

much leſs to *Martin* V ; and that he knows very well that 'tis not lawful to appeal from the Judgment of the Pope upon every Occaſion, but only when he departs from the Faith, or acts with notorious Partiality. *But*, ſays he, *it will lie in the Pope's own Power to ſecure himſelf againſt ſuch Suſpicions, he has nothing to do but to repair his Words by his Actions, and ſeverely to condemn of his own accord, and without being ſollicited, the pernicious Book of* John de Falkenberg, *and all thoſe of the ſame Stamp, without any reſpect of Perſons.* I know not whether the Pope knew any thing of this Piece of *Gerſon*, but, however, he ſtill drove on his old Pace, without regarding any Oppoſition of this Kind, which in reality was too late, becauſe he had been already ſuffer'd to aſſume too much Authority. As he was in haſte for diſmiſſing the Council, he held the XLIIId Seſſion on the 21ſt of *March*, wherein he publiſh'd ſome Decrees concerning the Reformation of the Church in its Head, by which he pretended to do every thing that could be required of him. 1418.

LIX. THE Emperor was not preſent at this Seſſion. 'Tis natural to imagine, that, being acquainted with what was tranſacted in it, he was uneaſy to ſee that the Reformation of the Church, which was the principal Buſineſs of the Council, turned to ſo little Account, and that it had been obſtructed by precipitating the Election of the Pope, contrary to his Intentions. *Martin* V. therefore cauſed ſome Conſtitutions to be publiſh'd concerning Benefices, and the Habits of the Clergy. The firſt revokes all Exemptions granted by the Popes, or thoſe that call'd themſelves ſuch ſince *Gregory* XI, to Churches, Monaſteries, Chapters, Abbeys, Priories, and other Benefices, Places and Perſons Eccleſiaſtical, without the Conſent of the Ordinaries, and without Knowledge of the Cauſe, except the Exemptions granted in favour of a new Foundation, or to Univerſities ; and the Pope engages not to grant any Exemption without Knowledge of the Cauſe, and without having heard the Parties concern'd. The ſecond orders a freſh Examination of the Unions and Incorporations of the Churches and Benefices granted by the ſame Popes ſince *Gregory* XI. The third relates to the Revenues of the vacant Churches, which he forbids to be apply'd to the Profits of the Pope, or the Apoſtolical Chamber, it being his Will that the ſame be diſpoſed of according to the Law and Cuſtom, and according to the Privileges of Benefices. The fourth is againſt the Simony which is committed in Ordinations, Elections, Poſtulations and Collations. The Pope orders, that all who are elected, confirm'd and preferr'd by Simony, ſhall be obliged to reſtore the Benefices acquired by this Method ; and that hereafter ſuch as ſhall give or receive Money for ſuch Cauſes, ſhall be *ipſo facto* excommunicated, though they were Popes and Cardinals. The fifth relates to Diſpenſations. It makes void all the Permiſſions

SESSION FORTY THIRD. *March* 21. *V. d. Hardt*, T. IV. p. 1533.

1418. which the Popes had granted to poſſeſs the Benefices that require one of the ſacred Orders, without being obliged to receive it, and commands, that they who are in that Caſe, ſhall receive the Orders, or be turn'd out of their Benefices. In the ſixth, the Pope forbids the impoſing of the Tenths, or other Burdens, upon Churches, or Eccleſiaſtical Perſons, unleſs it be for ſome great Advantage, or preſſing Neceſſity which concerns the Catholick Church, by Conſent of the Cardinals and the Prelates of the Places; and the Pope obliges himſelf not to raiſe the Tenths upon the whole Clergy, but in the like Caſes, and without conſulting the Prelates of the Places, as well as not to cauſe thoſe Levies to be executed but by Eccleſiaſticks. In the ſeventh, he renews the Laws concerning the Modeſty of the Clergy, who, as appears by this Conſtitution, went generally in a Lay Habit, or, at leaſt, one that was very much ſecularis'd, and perform'd the Divine Office with thoſe Habits under their Surplice (1). The Pope orders, that whoever ſhall be caught performing the Holy Office in ſuch a Condition, ſhall be deprived of one Month's Revenue for every Offence, and that the ſame ſhall be apply'd to the Repairs and Maintenance of the Church. In the Eighth, the Pope decrees and declares, *That by the preſent Statutes, as well as by the Concordates, which he has made with each Nation, and which are to be regiſter'd in his Chancery, where any Perſon may be at Liberty to take Copies thereof, ſign'd by the Vice-chancellor, he has comply'd with the Articles of the Reformation, contain'd in the XLth Seſſion.* This important Decree we ſhall here inſert *verbatim*. 'We decree and declare, with the 'Approbation of the Council, that we have comply'd, and that we 'do comply with the Articles of the Reformation contained in the 'Decree of the 30th of *October*, 1417, by the Decrees which have 'juſt now been read in this Seſſion, as well as by the Concordates 'we have made with each Nation in particular, which we require to 'be regiſter'd in our Chancery, to the end that any Perſon may have 'Copies thereof in due Form, and ſign'd by our Vice-chancellor.

Remarks upon this Seſſion.

LX. LET us compare this Decree with that of the XLth Seſſion which was held the 30th of *October*, in order to ſee the Difference. Of the eighteen Articles contain'd in the former Decree, there are but ſix that were ſettled in this laſt Seſſion, *viz.* that of Exemptions, that of the Unions, that of the Revenues during the Vacancy of Benefices, that of Simony, that of Diſpenſations, and that of the Tenths. There is no Mention neither of the Number, nor of the Quality and Nation of the Cardinals, nor of the Reſervations of the Court of

(1) As to the Habits of the Clergy, ſee *Richard Simon Biblioth. Critique*, T. III. p. 322.

*Rome*,

*Rome*, nor of the Annates, or common and *petty Services*, nor of the Collations to Benefices and Reverſions, nor of the Cauſes to be try'd at the Court of *Rome*, nor of Appeals to the ſaid Court, nor of the Offices of the Chancery and Penitentiary, nor of the Commendams, nor of Alienations, nor of the Caſes wherein the Pope may be corrected and depos'd, nor of the *Proviſion* for, or Subſiſtance of the Pope and Cardinals, nor finally of Indulgencies. 'Tis true, that thoſe Articles were agreed to by the Concordates, which *Martin* V. made with each Nation in particular, except that relating to the Caſes in which a Pope may be corrected and depos'd, of which the new Pope would not hear any Mention. But in the firſt Place, thoſe Articles were agreed to in a manner very advantageous to the Pope, becauſe nothing was therein reform'd but the exceſſive Abuſes committed during the Schiſm, as if there had been no Complaints made of the Uſurpations of the Popes, and of the Diſorders of the Court of *Rome* and the Clergy long before the Schiſm. Moreover theſe particular Concordates are not conformable to the Decrees of the XLth Seſſion, which order, that the Pope who ſhall be elected, ſhall reform the Church in its Head and in its Court, by Concert with the Council, and with its Deputies that ſhall be choſen out of each Nation, becauſe the Nations taken apart do not form a Council. Perhaps *Martin* V. thought to compenſate this Defect by his Decree touching the Decency of the Clergy's Habits. There were at that Time ſome Perſons who were of opinion, that this was *ſtraining at a Gnat, and ſwallowing a Camel.* Meantime all theſe Conſtitutions of the XLIIId Seſſion carry the Council's Approbation with them, *ſacro approbante Concilio*; and as ſoon as the Cardinal *de St. Mark* had read it, the Cardinal *de Viviers* declar'd, by Order of the Council and of the Pope, 'That all the Decrees now read, were agreed to by the Nations, as well as the Concordates which the Pope had made with each of them. That the Nations agree that by this Means the Decrees concerning the Reformation are comply'd with, without pretending however that the Concordates of one Nation are prejudicial to another'. Nevertheleſs this Agreement of the Nations and of the Council, pronounced by the Vice-Chancellor, could not be deem'd very clear, and muſt have been paſs'd rather by Force than free Choice, for all the MSS. of *Brunſwic*, *Leipſic*, *Gotha*, and *Wolfembuttel*, after the Words, *by Order of the Synod, and in the Name of the Nations*, add theſe *as he hath affirm'd. DE mandato & voluntate dicti Domini noſtri Papæ ac Synodi prædictorum eorundem nominibus, ut aſſeruit, reſpondit in hunc modum.* Be that as it will, this was the Upſhot of this great Project for the Reformation of the Church in its Head and Members, which was one of the principal Motives for calling

1418.

*V. d Hardt, T. IV. p. 1570.*

1418. the Council, and which so many Prelates and other Persons had taken so much Pains to form.

*Tantæ molis erat Romanam condere gentem.*

The Pope celebrates *Holy Thursday* *V. d. Hardt*, T. IV. p. 1541.

LXI. NOTHING was transacted of much Importance till the following Session. *Martin* V. solemnis'd *Holy Thursday* by several Ceremonies which the Popes used to observe upon that Day. At Break of Day he cloathed twelve poor Men in white, and gave them Gowns, Cowls, Girdles and Sandals, like as if they had been Monks. At Seven a Clock he publish'd in the Episcopal Palace, in Presence of the Emperor and Cardinals, a Bull of Excommunication against the *Pagans*, *Hereticks* and *Schismatiks*, against the *Greeks*, against the *Jews*, against *Peter de Luna*, and in general, against all that *were fallen from the Church of Rome*, as well as against *false Coiners*, and against *Forgers*, who counterfeit the Bulls and the Seal of the See of *Rome*. There are two Remarks to be made here; one, that the *Mahometans* and *Turks* are undoubtedly included among the *Pagans* according to the Stile of that Time; the other, that the *Hussites* are not mention'd among the Persons whom the Pope excommunicated. Probably there were some Hopes of reclaiming them. As a Mark of such Excommunication, he threw a lighted Wax Taper out of the Window of his Palace, in which he was imitated by the Cardinals, who also threw eleven lighted Tapers out of the Window. After this Act, the Pope pray'd for the faithful Servants of the Holy See and of the Emperor; then the Cardinal *de Fiesque* read a Confession of Sins with a loud Voice, and the Pope thereto added the Absolution with the usual Benediction, which he pronounced in the *Latin* and *High Dutch*. He afterwards went into the Cathedral, where he celebrated the Mass, and consecrated the *Sacrament* and the *Holy Oyl*. The Patriarch of *Antioch* did the same in St. *Stephen*'s Church. The same Day *Albert de Bon Christianis*, Bishop of *Forli*, made a long Sermon upon our Saviour's Passion, in which there is nothing remarkable with regard to the Council, only that the Manners of the Clergy are lash'd towards the End of it, and, as was the Custom of that Age, the Holy Scriptures, and the Fathers and profane Authors, are therein quoted indifferently. In this Sermon however, there are a great many Passages full of the Grace and Spirit of the Gospel (*a*). At Two a Clock in the Afternoon, the People were invited by the Heralds to come to the Episcopal Palace at Four a Clock to receive Indulgencies, which was performed with great Solemnity, and in the midst of a Multitude of People. All these Ceremonies, which lasted almost all Day, were concluded by a Repast that the Pope gave to the Emperor, the Cardinals, and some Princes; after which, he wash'd the

(*a*) *V. d. Har.* T. V. p. 138. 150. ex MSS. *Lipsi.*

the Feet of his Gueſts. All the reſt of the Days till *Eaſter*, were ſpent in ſuch kind of Devotions, and there was no Want of Indulgencies. 1418.

LXII. AFTER the Election of the Pope, Ambaſſadors arrived every Day at *Conſtance*, from the Princes and Republicks, to recognize and contragulate him, or to ſettle their Intereſts. This was ſaid to be the Time that the Duke *de Lignitz* return'd with one hundred and fifty Horſes and ſix Carriages, according to the Report of *Reichenthal*, and that *Bertrand* Prince of *Camerino* in *Lombardy*, came with Fifty two Horſes, of which, according to the ſame Author, he made a Preſent to the Pope. The Ambaſſadors of *Venice* and *Genoa* arrived next Day after *Eaſter*, to put an End to ſome Diſputes which they had with the Emperor. But the Negotiation both of the one and the other prov'd abortive. The *Genoeſe* were oblig'd to return home, *re infecta*, becauſe they had the Marquis of *Monſerrat* at their Back, who thwarted their Deſigns with the Emperor. And as to the *Venetians*, foraſmuch as the Emperor ſtrenuouſly inſiſted on their reſtoring to him the Places which they had taken in the Kingdom of *Hungary*, and as they would not hearken to it, the Negotiation was thereby ſuſpended. *Windek* ſays, that while the *Venetians* were treating with the Emperor at *Conſtance*, they ſeiz'd a Town (1) which belong'd to him; and that the Miniſters upon Notice thereof, adviſing him to put their Ambaſſadors under Arreſt, that Prince generouſly declared, that whatſoever Wrongs the *Venetians* did him, he would not violate the Safe-Conduct which he had granted to their Ambaſſadors. Upon this Occaſion he was as much too ſqueamiſh, as he had been too ſevere, with regard to *John Hus*.

Arrival of ſeveral Ambaſſadors *March* 28.

*V. d. Hardt.* T. IV. 1554.

LXIII. *SIGISMOND*, who had it always very much at Heart to accommodate *France* and *England*, engaged the Pope to ſend Legates into *France*, there to negociate a Peace, as well as to pacify the inteſtine Commotions with which that Kingdom was diſtracted. *Amedeus de Saluces*, Cardinal *de Sancta Maria*, was immediately ſingled out for this Negotiation, as appears from the Pope's Bull dated in *February* this Year at *Conſtance*. As it is not long, we will inſert it here intire.

The Pope ſends Legates into *France*.

*Juvenal des Urſins's* Hiſt. of *Charles* VI. p. 440.

'To our dear Son *Amedeus*, Cardinal-Deacon of *Sancta Maria*, *Nova*, Greeting, and Apoſtolical Benediction. When we were as yet in the ſubaltern Offices, we were touch'd to the quick, and are more ſo now by the fatal Diviſions which have long reigned between our moſt dear Sons, *Charles* King of *France*, and *Henry* King of *England*, as well as between the *French* Princes and Nobility. 'Tis a very ſad Caſe, that Kings and King-

*Monſtrelet*; Vol. I. p. 258. *Raynald ann.* 1418. num. xxiv. *Spond. ann.* 1418. num. x.

(1) *Zerapkal*; probably 'twas *Zara* in *Dalmatia*.

doms

1418. 'doms so illustrious for their Power both by Sea and Land, and 'which are so famous for their Valour, Learning and Industry, should 'exhaust their Strength by such tedious and cruel Wars. Being de- 'sirous therefore to use all our Efforts for restoring Peace and Con- 'cord between them, we have cast our Eyes upon you as the most 'likely Mediator to succeed in that Affair, because you know the 'State of those Kingdoms, and are well inform'd of what is doing 'on both Sides, not to mention your Inclination to Peace, and your 'Dexterity in Negotiations. Therefore by these Presents we give 'you Full Power in our Name, and in that of the Apostolical See, *April* 2. 'to do your best in this Affair (1)'. To him were afterwards added in the Commission, the Cardinals *des Ursins*, and *St. Mark* (2), whose particular Instructions were to pacify the Commotions in *France*. They had even carry'd Things to Terms of a good Reconciliation. (*a*) *Mezer Abr. Chr.* T. III. p. 200. *Bzov. ann.* 1418. num. vii. It was agreed that (*a*) *all Animosities being laid aside, the Dauphin and the Duke of* Burgundy *should have the Government of the State during the King's Life.* This Treaty was sign'd at *Montereau* by the Ambassadors of the King of *France*, and those of the Duke of *Burgundy*, and being afterwards carry'd to the King and the Dauphin on the one hand, and the Duke of *Burgundy* on the other, it was approved of by both Parties. But the Constable *d'Armagnac*, and *Henry de Marle*, Chancellor of *France*, with some other Lords, not being willing to consent to it, the Civil War flam'd out again more severely than ever. The *English* were far from hearkening to Propositions of Peace at a Juncture so favourable for them as this was. 'Tis proper to relate this in the very Words of *John Juvenal des Ursins*, an Historian of that Time. *The Cardinal* des Ursins (says he) *in Obedience to the Pope's Commission, went in Embassy to the* English, *to know whether they were willing to hearken to the Affair of Peace. He found them very stiff and haughty, boasting of their Conquests, and glad of the great Divisions that then reign'd in this Kingdom. And the King of* England *says, that the blessed God had inspir'd him, and inclined him to come into this Kingdom, to chastise the Subjects, and to have the Lordship thereof as true King.* *Juven. Hist. Chr.* VI. p. 445, 446.

The Condemnation and Recantation of Friar *Graham*. *Spond.* 1384. num. xlii.

LXIV. THE Irregularities of the Monks, and the horrid Enormities of every kind which were committed in the Convents, had for a long time disgusted many People with a religious Life, who otherwise would have had an Inclination to renounce the World. This had about the End of the foregoing Century produced a Society, which they call'd the *Brothers of Common Life*, wherein Persons distinguished for their Know-

(1) The Bull is dated the 9th of *February*. *Raynald ann.* 1418. *n.* 24.

(2) *Reichenthal* is mistaken here, when he says that it was the Cardinal of *Ostia* Fol. 49.

ledge

ledge and Piety, that they might not be Beggars, liv'd in common upon one Stock to which they all contributed, and that they might not be idle, made it their Business to teach Children. The Founder of this Establishment was said to be *Gerard Groot*, or the Great, of *Deventer*, a Doctor of *Paris*, and a Canon of *Utrecht*. This Institution was afterwards supported by another *Gerard de Zutphen*, of whom the Abbat *Trithemius* gives this Character (*a*). *He was learned, and conversant in the Sacred Scriptures, nor was he ignorant of the Secular Sciences. He was a Man of fine Wit, clear Elocution, and as much to be commended for his Manners as his Knowledge.* He wrote several *Tracts of Piety for the Instruction of the Brothers of the Common Life.* And in the Vth Tome of those Friers *Bibliotheque*, there is a mystical Treatise of this *Gerard*, divided into two Books; the first of which treats of the Vices of the Soul, and of internal Reformation; and the second of Spiritual Elevations. 'Tis certain, that this is an excellent Treatise of Devotion, and as well deserves to be translated into *French*, as that famous Tract of *Thomas à Kempis De Imitatione Jesu Christi*, who wrote his Life, and with which *Gerard*'s Book is often bound up. This Author died in 1398. As Establishments of this Nature soon met with general Applause, and as every one was eager to support them by their pious Liberality, the Monks did not fail to rave against those Societies, as Invaders of the Pope's Authority, and of the approved *Orders*, which could only tend to the Contempt of Monastick Vows, and to the Ruin of the Convents. It was about this Time, that one *Matthew Grabon*, a *Dominican* Frier of *Saxony*, presented a Writing to the Pope, by which he pretended to prove, that the religious Societies, which club their Substance together to live in common, without making monastick Vows, are illegal and criminal. His Sense of this Matter was contain'd in these twenty five Articles. Art. 1. 'The Propriety of Temporalities is essentially 'annex'd to the Secular State. 2. No body can, without Sin, re'nounce what is necessary for him to live in a manner suitable to his 'Condition. 3. All those sin, who absolutely give away all their Sub'stance in Alms for the Love of Jesus Christ. 4. He who is not of 'a true religious Order; that is to say, of an Order approved by the 'Apostolical See, cannot, without mortal Sin, give up all his Estate 'for the Love of Jesus Christ. 5. The Pope cannot permit the 'Laity, by a Dispensation, to deprive themselves of all their Pos'sessions. 6. If the Pope could give such a Grant, he might as 'well permit the parting with the Aliments necessary for Life, 'which would be contrary to the Command, *Thou shalt not kill.* '7. A Frier cannot, without mortal Sin, renounce the Desire 'of having Estates in common, when he actually has not

'an

1418.

(*a*) *Trithem. Script. Eccl. Art.* 677.

*April* 3. *V. d. Hardt*, T. III. p. 105, &c. *Gerf.* T. I. p. 467, &c. *Spondanus ad ann.* 1418. num. vi. *V. d. Hardt*, T. IV. p. 1442.

1418. ‘ any (1). 8. ’Tis a Contradiction, that any one ſhould be voluntarily poor for Jeſus Chriſt, if he remain in a Secular State, without ‘ having, or ſo much as deſiring, any thing that he can call his ‘ own. 9. No body can meritoriouſly obſerve the Recommendation ‘ of a true religious Order; that is to ſay, an Order of Religion, ‘ approv’d by the Papal See. 10. They ſin mortally who remain ‘ in the Secular State, and yet think to do good by embracing ‘ Poverty, which is one of the Counſels recommended by Jeſus ‘ Chriſt. 11. Renouncing of all one’s Eſtate, even for the Sake of ‘ Jeſus Chriſt, without entering into an approved Order of Religion, ‘ is taking away the Lives of a Man and his whole Family, and ‘ committing ſeveral Homicides at once. 12. They, who think they ‘ deſerve eternal Life by ſuch an Abdication, think they merit eternal Life by committing a mortal Sin.’ The 13th and 14th Articles are pretty near the ſame as the 11th and 12th, with this Difference, that *Grabon* calls that Hereſy which he before treated as a mortal Sin. ‘ 15. No body can meritoriouſly, and according to the ‘ Will of God, comply with the Injunctions of Obedience, Poverty ‘ and Chaſtity, if he be not of the approved Orders of Religion. ‘ 16. The three Things counſel’d by our Saviour are ſo link’d to ‘ one another, that where there is meritorious Poverty, as far as it ‘ is a Recommendation by Jeſus Chriſt, there the two other Councils ‘ ought alſo to coincide, *viz.* Obedience and Chaſtity, which are inſeparable from the Counſel of Poverty. 17. Ladies or Women, ſuch ‘ as the *Begutes*, or *Beguins*, who live in a Society, even though they ‘ ſhould hold no Error, and be unſuſpected of Hereſy, are Daughters ‘ of everlaſting Perdition, and their State is prohibited and condemn’d.’ The 18th Article is much like the foregoing ones. ‘ 19. ’Tis not lawful for the Prieſts and Clergy to live in a Community, on Pain of ‘ ſinning mortally, unleſs they are of an approv’d Order of Religion.’ The three Articles following declare, ‘ Thoſe to be excommunicated and ‘ condemn’d who aſſiſt and favour ſuch Societies, as are not of the ‘ approv’d Orders of Religion. 23. All thoſe, who are of any Community which is not of the approved Orders of Religion, are the falſe ‘ Prophets, of whom Jeſus Chriſt has warn’d us to beware. 24. Whoſoever doth any thing contrary to the Canon Law, ſinneth mortally. 25. No Perſon who behaves well, and is not of an approv’d ‘ Order of Religion, can draw Alms from Believers without Sin, unleſs it be for the common Good, and in Caſe of Neceſſity.

(1) I don’t underſtand this Article. It runs in *Latin* thus: *Religioſus non poteſt ſine peccato mortali abdicare voluntatem habendi communia, quando actu talia non habet.*

LXV. THE

LXV. THE Pope referr'd the Examination of theſe Propoſitions to the Cardinal *de Cambray* and to *Gerſon*. The Cardinal's Anſwer is addreſs'd to the Pope himſelf. That learned and judicious Prelate repreſents to him, that it would be proper to aſſemble the Divines of the Council to conſult together upon a Matter which is of Faith, to the end that every one may give his Opinion upon it in publick, and not in a particular Aſſembly. He adds, that this has been his Practice in all the Queſtions of Faith, in which he has been appointed a Commiſſioner: But that nevertheleſs, as he may happen not to be preſent at this Conſultation, he will give his Opinion upon it, which is couch'd in the following Articles. 1. *That the principal Foundation of* Grabon's *Doctrine is contrary not only to Reaſon and moral Theology, but alſo to the Practice of the Primitive Church*; which he proves from the 4th Chapter of the *Acts*, where it appears, that People of all Ranks and Conditions, who were marry'd and not enter'd into any of the monaſtick Vows, laid their Eſtates together in common. 2. *That* Grabon *advances what is falſe and heretical, when he ſays, that the religious Orders inſtituted by St.* Baſil, *St.* Benedict, *and St.* Auguſtin, *are the only true religious Orders, becauſe the Chriſtian Religion is as true a Religion, when it is obſerv'd by Laymen, as when the Rules of it are obſerv'd in a Convent.* 3. He adds, that in *Grabon*'s Writing, *there are ſeveral ſcandalous, raſh and inſolent Propoſitions*; as for inſtance, where he treats what is contrary to his general Propoſition, as heretical; and where he ſays, that the Laity cannot live without having an Eſtate which is their own Property, and that to contravene the Canon Law, is a mortal Sin. From hence the Cardinal infers, that *Grabon*'s Propoſitions are *heretical, and worthy of the Flames*, leaving it to the *Lawyers* to judge of what relates to *Grabon*'s Perſon.

1418.

The Cardinal of *Cambray*'s Sentiment concerning *Grabon*'s Propoſitions.

LXVI. As to *John Gerſon*, it appears from the Title of his Writing, that three of the moſt able Doctors of ſeveral Univerſities had approv'd of it. He addreſſes it to the Cardinal *de Verona*, who had referr'd the Examination of this Affair to him on the Part of the Pope. *Gerſon* declares, at firſt ſetting out, that he has read the Cardinal of *Cambray*'s Sentiment upon it, which he approves entirely, and thereto adds his own in ſix Propoſitions, with their Proofs and their Corollaries, which it is neceſſary to abridge. *The firſt is, that* 'That can only be call'd the Chriſtian Religion properly and em-'phatically, which Jeſus Chriſt taught and obſerv'd in the moſt 'perfect Manner. *The ſecond is*, That the Chriſtian Religion doth not 'oblige to the Practice of Evangelical Counſels, neither with nor 'without a Vow, becauſe otherwiſe they would not be Counſels but 'Commands. *The third*, That the Chriſtian Religion may be very 'perfectly obſerv'd, without any Vow obliging to the Practice of

*Gerſon*'s Opinion of the ſame Subject.

1418. 'the Counsels, because Jesus Christ, the Apostles, and the Primitive 'Christians, never made any such Vows. *The fourth is*, That, for 'the Observance of the Christian Religion, as well with regard to 'Commands as with regard to Counsels, it is not necessary to add 'any other Orders than are found in the Christian Religion itself, as 'are the Rules of St. *Basil*, St. *Austin*, &c. which Dr. *Anselm* calls '*coin'd* Orders; that is to say, such as are of human Invention. '5. That those invented Orders, are call'd improperly, and even 'with very great Arrogance and Presumption, a State of Perfection, 'because, among the Laity, there are Men who live better than the 'Monks; and that if the religious Orders enable some of them to 'attain to the State of Perfection, there are many which hinder them 'from that Attainment. *The sixth is*, That the Christian Religion 'may, and ought to be better observ'd by the Popes, the Cardinals, 'and the Prelates, than by the Monks, though the former are not 'bound by any other Vows than that of observing God's Law.' I will not stay here to set down the particular Consequences which *Gerson* infers from these Propositions, I shall only content myself with these three: That the Doctrine of *Matthew Grabon* is not only extravagant, but heretical and blasphemous: That the Pope, the Cardinals and Prelates, ought speedily and vigorously to oppose its Progress: That if *Grabon* is obstinate, and will not obey his Prelates, and his other Superiors, they ought to secure his Person. This Condemnation was a home Stroke; for *Grabon* retracted, in Presence of his Commissioners, in all the Forms.

*Gerf.* T. I. p. 474.

*Frederick* of *Austria*'s Reconciliation with the Emperor.

LXVII. *MARTIN* V, at the Beginning of his Pontificate, had sent *Henry Flekel* to *Frederick* Duke of *Austria*, to dispose him to make his Peace with the Emperor. With this View, the Duke went to *Mersbourg*, a Castle near *Constance*, to which the Emperor was gone for Change of Air. This Interview having lasted some Days, and the Ministers of the Emperor and the Duke not being able to come to any Agreement, *Sigismond* return'd to *Constance*, whither he was soon follow'd by the Ministers of *Frederick* of *Austria*, to continue the Negociation, which lasted eight Days longer, till at length a Treaty was concluded on the 25th of *April*, in the Monastery of *Monsterlingen* near *Constance*, upon these Terms: That the Duke should swear Fealty to the Emperor, and pay him seventy thousand Florins (1) Fine, on which Condition he would restore him to the Possession of his Dominions. The Emperor afterwards forgave the Duke part of that Sum, *viz.* twenty thousand Florins. When the Treaty was concluded, *Frederick* went to *Constance*, to make his Appearance before the Emperor, to whom he was introduced by the Elector of *Bran-*

*V. d. Hardt*, T. IV. p. 1544.
*April* 12.
*April* 16.
*April* 25.
*V. d. Hardt*, T. IV. p. 1564.
*Windeck* and *Dach r.*
*May* 7.
*V. d. Hardt*, T. IV. p. 1581.

(1) *Gerard de Roo*, in his History of *Austria*, p. 144, says thirty thousand Ducats of Gold.

*denbourg*,

*denbourg*, with the Archbishop of *Riga* on their Right Hand, and *Lewis* Count *d'Oettingen* on the Left. When *Frederick* of *Austria* was at some Distance from the Emperor, the latter sent to demand of him whether he was come thither to execute the Treaty; and *Frederick* declaring, with a loud Voice, that he was come with that Intention, the Form of the Oath was read to him, which when he had taken, the Emperor gave him his Hand. *Windeck* mentions an Incident here, which is too material to be omitted, *viz.* That *Frederick* was no sooner gone from the Emperor, but *Lewis* of *Bavaria* of *Ingolstadt* came in to speak a Word in favour of this Prince, who was his Kinsman. The Emperor frown'd at this Step, and order'd the Duke of *Bavaria* to withdraw: But as he still held on his Discourse, the Emperor was offended at it, and, as a Mark of his Indignation, took off the Duke's Hat, and gave it to another. Next Day, the Pope sent Word to the Duke of *Austria*, that he must get himself absolv'd by the Bishop of *Trent*, with whom he had maintain'd a long Quarrel, or else go barefoot round the Church by way of Penance. But as the Duke was preparing to yield Obedience, the Pope relax'd, remitted part of the Punishment, and caus'd him to be absolv'd by a Cardinal whom he sent to him for that End. While the Cardinal was giving Absolution to the Duke, the Emperor was there, in his Imperial Habits, sitting on a Throne, accompany'd by the Elector of *Brandenbourg*, who bore the Sceptre; by *John* Duke of *Amberg*, who carry'd the Imperial Globe for the Elector *Palatine*; and by *Lewis* Duke of *Brieg*, who was Sword-bearer in the room of the Elector of *Saxony*. He there solemnly restor'd the Duke to his Dominions, with all his Titles, his Rights of the Regale, and his other Privileges. The Example of the Duke of *Austria* ought to be a Lesson to all Princes never to engage in a bad Cause, and not to incense the Princes on whom they depend. This Duke paid dear for it; for, after having been put under the Ban of the Empire, and stripp'd of his Dominions, he could never get to be perfectly restor'd to them. The Emperor thought he had sufficiently made good his Promise, by restoring those Towns to him, which were still in his Power, and which were actually inclin'd to return to the Obedience of their former Master. *Sigismond* had mortgag'd several of them, particularly *Welkirch*, *Frauenfeld*, *Heilgenberg*, besides most of the Towns of *Ergaw*, and he had given to others the Prerogative and Patents of Imperial Towns, particularly to *Schaffhausen*, *Rhinfeld*, *Dissenhove* and *Cell*. So that *Frederick*, finding it very difficult to recover those Places, waited for a more favourable Opportunity, and went to *Tirol* to appease the Commotions there, and to reduce the Nobility of that Country, which rebel'd against him, and which he could not bring to Reason, without proceeding to fatal Extremities.

1418.

*May* 8. *V. d. Hardt*, T. IV. p. 1581.

*Gerard Roo's* History of *Austria*, Lib. IV. p. 144.

1418. IF we may believe *Windeck*, there was nothing so insincere as the Oath of Allegiance, which the Duke of *Austria* took to the Emperor when he made his Peace with him. This Author says, that while *Sigismond* was at *Constance*, the Duke made an Attempt to bribe a certain Person to assassinate him, on the Promise of a certain Castle upon the *Adige* for his Reward; but that the Man, instead of accepting the Offers of the Duke and his Ministers, inform'd the Emperor of it, who thought fit, at that Juncture, not to take Notice of it, but as he return'd from *Constance*, being then at *Haguenau*, he sent for the very Man, whom they had been tampering with, and obliged him to make a Confession of the Matter, in Presence of several Princes, the Bishop of *Passaw*, and of *Windeck* himself. After many Troubles which *Frederick* of *Austria* had brought upon himself, he died in 1439. We will now resume the Thread of the History.

*Windeck*, cap. 83.

*Ros*, p. 265.

LXVIII. THE Zeal of the Council against *Hussitism* was not altogether unsuccessful. The Recantation of *Henry de Latzenbock*, a Lord of *Bohemia*, has been already inserted. One *Dominic de Laude* made his Abjuration likewise on the 13th of *April*, in the Cathedral Church. His Books had been burnt the Day before, which shews, that he was some Doctor. *Reichenthal* and *Dacher* speak of another learned Person who also abjur'd on the same Day. I do not observe that any thing was done till the XLIVth Session.

The Abjuration of certain *Hussites*.

*V. d. Hardt*, T. IV. p. 1545.

*April* 12, 13.

SESSION FORTY FOURTH.

LXIX. THE Emperor, who was not at the foregoing Session, was present at this. It appears from the Acts of *Brunswick*, that the Deputies of the *French* Nation were not present at it, because they disapprov'd of the Choice which the Pope had made of the City of *Pavia* for holding the first Council, which was to be notify'd in this Session. This is a Particular which I have not met with any where else. It had been resolv'd, in the XXXIXth Session, that a Month before the Separation of every Council, the Pope, with the Consent of all the Fathers, should nominate the Place for the meeting of the next Council. Pursuant to this Regulation, after the customary Ceremonies at every Session, the Cardinal *de Challant* read a Bull from the Pope, which imported, that *Martin* V, in order to comply with the Decree of the present general Council, which had made a Rule, among other Things, that a Month before the End of every Council the Pope, with the Approbation of the Assembly, should fix the Place for the next Council, declares, that, by the Consent, and with the Approbation of the said Council he nominates the City of *Pavia*. The Decree was as follows. ‘ *MARTIN*, ‘ Bishop, Servant of the Servants of God. To perpetuate the Me‘ mory thereof to Posterity *(ad futuram rei memoriam)* being desirous ‘ and willing to comply with the Decree of this sacred general Council, ‘ which

*April* 19.

*V. d. Hardt*, T. IV. p. 1545.

See above, Lib. V. Art. LXXVIII.

'which has reſolv'd, among other Things, to celebrate General 1418.
'Councils at ſuch a Place as the Pope ſhall appoint a Month before
'the End of each Council, we do nominate and appoint for this Pur-
'poſe, with the Approbation of the Council, the City of *Pavia*,
'enjoining the Prelates and others, who are to be call'd to General
'Councils, to be there at the Time appointed.' Which was ap-
prov'd of by the whole Council, by the Mouth of Cardinal *de Vi-
viers* their Spokeſman. An Auditor of the ſacred Palace declar'd alſo,
in the Emperor's Name, by his expreſs Order, and in his Preſence,
that the ſaid Emperor approv'd, commended and accepted the Choice
of the City of *Pavia*, as a Place proper for aſſembling a Council.
An Advocate of the ſacred Conſiſtory approv'd of it likewiſe, in the
Name of the Pope. Thus ended the XLIVth Seſſion.

LXX. HERE, I think, ſome Affairs may be mention'd which the Pope diſpatch'd before he left the Council. In this Claſs, I place a Bull of *Martin* V, mention'd by *Bzovius*, and dated the 30th of *April*, enjoining the ſpeedy and free Execution of the Apoſtolical Letters. This is the Tenor of it. Foraſmuch as, during the Schiſm, Scandal frequently happen'd on account of the Execution of the Pope's Bulls, *Urban* VI. had thought fit to permit the ſuſpending the Execution thereof till they had been approv'd of by the Biſhops of the Places, or their Officials. What was at firſt but a proviſional Grant, by reaſon of the Schiſm, had inſenſibly paſs'd into a Cuſtom; and it often happen'd too, that, what with the Refuſal or Negligence of the Biſhop, the Pope's Bulls were not executed at all, or, at leaſt, later than was agreeable to the Authority of the Apoſtolical See. *Martin* V, by the Council's Approbation, makes this Grant void, and orders, that hereafter the Bulls of the Popes ſhall be forthwith executed, by the Judges deputed for that Purpoſe, as well as by the Notaries and Scriveners, who ſhall be thereto requir'd, without being ratify'd by any Prelate whatſoever, though he be a Patriarch, nor by the Ordinaries of the Places. Moreover, the Bull repeals all Sentences and Excommunications iſſued by the Prelates, and the Superiors, or their Officials, againſt the Executioners of thoſe Bulls, and orders, that whoever ſhall contravene the ſaid Decree, ſhall be *ipſo facto* ſuſpended for three Months from his Eccleſiaſtical Juriſdiction. I am ſurpriz'd that I have not met with a Bull of this Importance in my Acts. It is to be found in the *Roman Bullarium*, printed at *Lyons* in 1653, T. I. p. 315.

Several Conſtitutions of *Martin* V. *Bzov ad ann.* 1418. num. ii. *ex Bullario Romano.* *Spond ad ann.* 1418 num. vii.

I ſay the ſame as to ſome other Conſtitutions of *Martin* V, mention'd by *Bzovius* and *Sponde*, upon the Authority of St. *Antonin* (*a*), Archbiſhop of *Florence*, an Hiſtorian of the XVth Century. There is one which abſolutely forbids the Mendicant Friers to paſs, under any Pretence, into any other Order, except that of the *Carthuſians*, on Pain

(*a*) Part III. Hiſt. Tit. XXII. Cap. VI. Parag. IV.

1418. Pain of Excommunication only to be taken off by the Pope, or *in articulo mortis*, both to be inflicted on the Turn-coat, and on those who shall admit him. The Pope confirm'd the said Constitution when at *Geneva*, by a Bull dated in *July*, and the Article had been resolv'd on in the Reforming College. The other Constitution dispenses with Believers holding Correspondence with Persons excommunicated, except those who have been nominated, and publickly accused by the Judges, or such as are notoriously convicted of having assaulted the Priests. But 'tis not certain that this was a Bull of *Martin* V.

Extrav. III. Tit. VIII.

The Pope permits the Bishop of *Liege* to marry.

LXXI. WHAT follows is of greater Importance. *John* of *Bavaria* had been twenty eight Years elected Bishop of *Liege*, though he still was no more than a Sub-Deacon. As he only took this Bishoprick upon him till something better offer'd, and as he had waded through several Quarrels to maintain himself in it, he did not slip the first Opportunity that presented to get rid of a Benefice that was a Burden to him. As good Fortune would have it, the Death of his Brother, *William* Earl of *Hainault*, *Holland* and *Friesland*, which happen'd in 1417, gave him a fair Occasion. This Earl having left no Male Issue, *John* thought he had a Right to put in his Claim to those Provinces, and to turn out *Jaquelina* his Niece, who, after her Father's Death, had taken Possession thereof, by the Consent of the States. He had already made himself Master of *Dort*, *Rotterdam*, and the *Brill*, to facilitate his Designs. Mean time, *Jaquelina* being courted in Marriage by her Cousin-German *John* Duke of *Brabant*, she easily obtain'd a Dispensation from the Pope, then at *Constance*, to marry him. The Bishop of *Liege*, on the other hand, finding he had so formidable a Competitor to cope with as *John* Duke of *Brabant*, had Recourse to the Emperor, to be supported in his Pretensions to his Niece's Dominions. Therefore he sent Ambassadors to *Constance*, to make several Propositions, as well to the Emperor as the Pope, to whom he at the same time resign'd his Bishoprick, the Possession of which was incompatible with the Design he had form'd to marry. The first Thing which he had instructed them to demand of the Emperor was, that he would give him in Marriage his Imperial Majesty's Niece, the Duchess of *Luxemburg*, who was left a Widow by the Death of *Anthony* Duke of *Brabant*. But as *John* of *Bavaria* was a Sub-Deacon, and was moreover Godfather to a Daughter of that Duchess, they had Orders to desire the Emperor to obtain a double Dispensation from the Pope for this Marriage. The second Proposition which they were order'd to make to *Sigismond*, was, that he would declare him Count of *Hainault*, *Holland*, *Zealand* and *Friesland*, either by Right of Succession, or respecting those Dominions as a Fief devolv'd to the Emperor by the Death of *William*, who had left no Male

*Buzov.* 1418. num. viii.

*Windeck*, cap. 14.

Male Iſſue. Laſtly, he deſir'd the Emperor to engage the Pope to revoke the Diſpenſation which he had granted to *Jaqueline*, for the Marriage of her Couſin-German. All theſe Propoſitions were favourably receiv'd. The Emperor promiſed his Niece to *John* of *Bavaria*, and eaſily obtain'd of the Pope all the Diſpenſations neceſſary for that Purpoſe. He promis'd him alſo to declare him Sovereign of the Dominions which he demanded, as far as might be conſiſtent with the Privileges of thoſe Provinces. In the IXth Volume of Mr. *Rymer*'s *Fœdera*, we find *Sigiſmond*'s Letters Patent in favour of *John* of *Bavaria*. The other Article was as eaſily comply'd with. The Emperor had no Difficulty to prevail with the Pope to revoke the Diſpenſation which he had granted to *Jaqueline* and the Duke of *Brabant*, who were marry'd nevertheleſs. 'Tis true, that the Pope afterwards confirm'd his Diſpenſation, alledging, that the Emperor had forc'd him to revoke it. And *Windeck* ſays, that it occaſion'd high Words between the Emperor and the Pope. His Imperial Majeſty having heard that the Pope had granted a Diſpenſation to *Jaqueline* to marry her Couſin-German, went to him, and accoſted him in theſe Terms. *Holy Father, What are we come to* Conſtance *for? To reform the Church*, ſays the Pope. *One ſhould not ſay it*, reply'd the Emperor, *becauſe you have permitted the Marriage of two Couſin-Germans. You may indeed pardon Sins, but not licenſe them.* But the Emperor's Reproaches ſeem to me to be groundleſs; for he himſelf oblig'd the Pope to permit a Sub-Deacon to marry, and even to marry the Mother of his God-daughter, which the Emperor himſelf thought a Sin. He might, with more Reaſon, have reproach'd the Pope for having taken twenty thouſand Crowns for that Diſpenſation, becauſe it was downright Simony. This laſt Particular is taken from *Windeck*. *John* of *Bavaria* having thus reſign'd his Biſhoprick, *Martin* V. conferr'd it upon *John de Wallenrod*, Archbiſhop of *Riga*, afterwards Biſhop of *Coire*, of whom frequent Mention has been made in this Hiſtory. This Prelate ſet out from *Conſtance* on the 18th of *July* to repair to his Biſhoprick. *Bzovius* has given a great Character of him. From his Entrance into his See, *ſays he*, to the laſt Day of his Life, he behav'd ſo well, both in Spirituals and Temporals, that he may be juſtly compar'd with the ancient Founders of the Church of *Liege*. He not only kept the Clergy in their Duty, but himſelf did thoſe Functions which his Predeceſſors caus'd to be done by their Suffragans. He himſelf perform'd the clerical Tonſures, adminiſter'd the Sacrament of Confirmation, ordain'd Prieſts, and was ſo aſſiduous in the Divine Service, that he never put any other Perſon upon making the Prayers and Sacrifices. He was every whit as punctual in the Adminiſtration of Civil Juſtice. He had always an Eye to Merit in the conferring of the publick Offices, without

1418.

1418. without being sway'd by Solicitations, or corrupted by Money. And to prevent Abuses from creeping into Courts of Justice, he sometimes sat on the Bench himself, and presided there, to teach the Judges, by his Example, to have no Respect to Persons.—— He restored to the City the Privileges which *John* of *Bavaria* had taken from it, and eas'd it of a great Number of Imposts. I will not quarrel with *Bzovius* for the Praise which he bestows upon this Prelate. He might, in other Respects, be a Man of very great Merit and pastoral Virtues, but 'tis certain that he enter'd into this Dignity by a very bad Way, because it was the Reward of a sort of Treachery. The Cardinals had made him an Offer of it as has been already observ'd, on Condition that he would go off from the Emperor and the *Germans*, who were for the reforming of the Church before the Election of a Pope. He was won by this Promise, and carry'd off all the rest of the *German* Nation with him, to the great Prejudice of the Council, and of the Reformation of the Church.

SESSION FORTY-FIFTH. *April* 22.

LXXII. WE come now to the XLVth and last Session. The Emperor was present at it. After the Mass of the Holy Ghost, which was celebrated by the Cardinal of *Aquileja*, the Pope having taken his Place as President, pronounc'd a Discourse which was a kind of Sermon (*a*). Then the Cardinal *Raynaud Brancacio*, pronounc'd these Words aloud by Order of the Pope. *Gentlemen, Depart in Peace in the Name of Jesus Christ*, to which the whole Assembly cry'd *Amen*.

(*a*) *Collationem.*

THIS Cardinal very well deserves a Digression. He was descended from a noble and ancient Family in *Naples*. Pope *Urban* VI. made him a Cardinal, by the Title of St. *Vitus* and St. *Modestus*, in 1385, in order to draw him off from the Interest of *Charles de Duras*, King of *Naples*. He had afterwards an inviolable Attachment to his Benefactor, and rav'd upon all Occasions against *Clement* VII. who was Competitor with *Urban* VI. After the Death of the latter, he was present at the Election of six Popes successively. *Boniface* IX, at his Accession to the Pontificate, gave him a Commission to enquire into the Conduct of *Honorius Cajetan*, Count *de Fundi*, a great Stickler for *Clement* VII, and upon his Report the said Count was excommunicated. He was present at the Council of *Pisa*, notwithstanding the Prohibition of *Gregory* XII, who therefore degraded him from the Dignity of Cardinal, but it was restor'd to him by the Council. It was he who gave the Pontifical Tiara to *John* XXIII. who made him his Legate in several Provinces of *Italy*. He dy'd in 1427 (*b*).

(*b*) *Eggs. Purpur Doct.* II. p. 486.

AFTER this Declaration, as a Bishop was ready to preach a Sermon, *Gaspard de Perusa*, an Advocate of the sacred Consistory, who sat by the Ambassadors of the King of *Poland*, and the Grand Duke of *Lithuania*,

*thuania*, ſtood up to remonſtrate with all Humility to the Council, and the Pope, that *John de Falkenberg*'s Libel, which notoriouſly contain'd moſt cruel Hereſies, and Propoſitions that were injurious and fatal to the K. and Kingdom of *Poland*, as well as to *Lithuania*, and to the Duke of that Name, having been condemn'd as heretical and ſeditious, in the firſt Place, by the Commiſſioners appointed in Matters of Faith, then by the five Nations, and by the whole College of Cardinals, and that they having all unanimouſly given their Opinion that it ought to be condemn'd as ſuch by the Council in a publick Seſſion, he moſt humbly intreated the Pope to cauſe it to be publickly condemn'd before the Separation of the Council, becauſe the ſame had been aſſembled chiefly for the Extirpation of Hereſies; otherwiſe he declar'd that the Ambaſſadors of *Poland* and *Lithuania* would proteſt againſt this Refuſal of Juſtice, and that they would appeal againſt it to the next Council. Upon this, *John*, Patriarch of *Conſtantinople*, and *John*, Patriarch of *Antioch*, pretending to be of the *French* Nation, together with a Dominican of the *Spaniſh* Nation, declar'd, that this Book had not been unanimouſly condemn'd in their Nations. But two Proctors, the one an *Italian*, the other a *Spaniard*, gave them the Lye, and upbraided them for not ſpeaking by Order of their Nations, but as meer private Perſons, without any Authority. As the Debate grew warm, *Paul Voladimir*, one of the Ambaſſadors of *Poland*, deſired to be heard, and repreſented that *Gaſpard de Perouſa*, their Advocate, who had ſpoken for them, had omitted ſome Things which he had a mind to take Notice of; but as he was going to read a Paper which he had taken out of the Advocate's Hands, the Pope impoſed Silence upon him, and declared with his own Mouth firſt, and afterwards by the Mouth of an Advocate of the Sacred Conſiſtory, *That he would univerſally and inviolably obſerve all that had been agreed to concerning Matters of Faith* (1), *in the Council itſelf* (conciliariter) that is to ſay, *ſynodically, and in full Seſſion, but not otherwiſe. Paul Voladimir* was not daunted at this Declaration. He was reſolved to read on; but the Pope having cauſed the ſame Advocate to enjoyn him Silence on Pain of being excommunicated, he made his Proteſt in the Name of the King of *Poland*, and of the Great Duke of *Lithuania*, appeal'd to the next Council, and demanded a Record of his Appeal. His Proteſt was in Subſtance as follows. 'We, the 'Ambaſſadors of the King of *Poland*, and of the Duke of *Lithua-* 'nia, beſeech your Holineſs, that you would pleaſe to condemn, or 'to declare as condemn'd, *John de Falkenberg*'s Libel, which con- 'tains ſuch cruel Hereſies, as have been, according to Law, con- 1418.

(1) The *Wolfembuttle* MS. has not this Clauſe, *concerning Matters of Faith*, but 'tis in all the other Books MS. and Printed.

1418. ‘demn'd by the College of Cardinals, conforming yourself in this Re-
‘ſpect to the Sentiment of all Chriſtendom. We moreover demand
‘to have Records and authentick Certificates ſign'd in due Form,
‘by all the Cardinals, by all the Ambaſſadors and Deputies who are
‘at the Council, by the Prelates, and the Prothonotaries of the Apo-
‘ſtolical See, of our preſent Requeſt, and of our Diligence for the
‘Extirpation of this horrible Hereſy. We proteſt to your Holineſs,
‘before God, that it was not our Fault that the chief Intent of the
‘Council, *viz.* the Extirpation of Hereſies, was not executed, and
‘that we have uſed our utmoſt Diligence to expoſe the Diſhonour
‘and Detriment done to the Catholick Religion, and to the Chriſ-
‘tian Prelates, by deferring the Condemnation of Maxims ſo injuri-
‘ous to thoſe Prelates, and to that Religion. Therefore having a
‘Deſire to *obey God rather than Man*, in order to purſue the Intent
‘of our coming to the Council, *viz.* the Extirpation of Hereſies,
‘and particularly that of a Libel countenanc'd, as Diabolical as it is,
‘by a great number of Perſons, and this too from a Principle of
‘Animoſity; to the end that your Holineſs and the Council may not
‘pretend Cauſe of Ignorance, we declare, that if a Remedy be not
‘provided againſt it before the End of this Council, we appeal to
‘the next.

THIS Affair being thus finiſhed, or rather referr'd to another Opportunity, the Biſhop of *Catana*, General of the Order of *Domini-*
(*a*) John xvi. 22. *cans*, preach'd a Sermon upon theſe Words (*a*), *Ye now therefore have Sorrow, but I will ſee you again, and your heart ſhall rejoice*; meaning thereby, no doubt, that another Council would ſoon be aſſembled in order to perfect the Reformation of the Church.

The Bull for diſmiſſing the Council. *V. d. Hardt*, T. IV. p. 1560. *Bzov. ad ann.* 1418. Seſſ. 45.

LXXIII. AFTER the Sermon, the Cardinal *de Chalant* read a Bull, whereby the Pope diſſolved the Council. As 'tis ſhort, it will not be amiſs to inſert it here intire. ‘*Martin* Biſhop,
‘Servant of the Servants of God (1), to tranſmit the Memory of
‘this Event to Perpetuity, and at the Requeſt of the ſacred Council,
‘we diſmiſs it, and declare it at an End, giving every one Liberty
‘to return home. Moreover, by the Authority of God Almighty,
‘and of the bleſſed Apoſtles St. *Peter* and St. *Paul*, and by our own
‘Authority, we grant to all the Members of the Council plenary
‘Abſolution of all their Sins (2) once in their Lives, ſo that every
‘one of them may enjoy this Abſolution for two Months after the
‘Notification of this Privilege. We alſo grant them the ſame Pri-

(1) Ad perpetuam rei memoriam ipſum Concilium abſolvimus.

(2) Semel in vita ita quod quilibet de prædictis, infra duos menſes poſtquam ad ejus notitiam hujuſmodi conceſſio pervenit, poſſit dictum beneficium abſolutionis aſſequi in forma.

vilege

'vilege *in articulo mortis*, and we extend it to the Domesticks (*fa-* 1418.
'*miliaribus*) as well as to the Masters, on Condition that from the
'Day of the Notification, both the one and the other fast every
'*Friday* during a whole Year for Absolution during Life, and
'another Year for Absolution *in articulo mortis*, unless there be
'some lawful Impediment, in which Case they shall do other Works
'of Piety. And after the second Year they shall be oblig'd to fast
'on *Fridays* during Life, or to do some other Acts of Piety, on Pain
'of incurring the Displeasure of Almighty God, and of the blessed
'Apostles St. *Peter* and St. *Paul*'.

LXXIV. THIS Bull having been approv'd by the Cardinal *de* The Empe-
*Viviers*, who pronounced the Placet in the Name of the whole Coun- ror takes
cil, *Hartouin de Navarre*, Advocate of the sacred Consistory, and Leave of the
Doctor of Laws, said, by the Order of the Emperor, that he was not Council.
sorry for the Expences he had been at, the Journeys he had under-
taken, nor the Toils and Dangers he had gone through for the Union
of the Church, because it had been so happily accomplish'd. The
same Advocate, in the Emperor's Name, thank'd the whole College
of Cardinals, and the other Prelates, the Ambassadors of the Kings,
Princes, Lords, Deputies of the Academies, and of all the Societies,
for the Perseverance and Fidelity, with which they had seconded
him in this Design, and promised to continue inviolably to the last
Breath of his Life, in Obedience to the Church and Pope of *Rome*,
and to defend the Church with all his Power; declaring at the same
Time, *That if there had happen'd any Thing in it which was amiss, it*
*was none of his Fault.* These last Words were levell'd, no doubt, at
two or three Things, which certainly were very ill manag'd in the
Council. The first was, the Imprisonment of *John Hus*, and all the
ill Treatment he suffer'd before he was try'd; the second, the put-
ting off the Reformation, which was but very lamely executed in this
Council; and the third, the obstinate Refusal both of the Council and
the Pope, to condemn the Propositions of *John Petit*, and the Book
of *John de Falkenberg*. I have some Reflections to make upon this
Matter, with regard to this last Session.

LXXV. 'TIS not easy to imagine what Reasons *Martin* V. could Remarks on
have for refusing to condemn *Falkenberg*'s Book in a publick Session, this Session.
because it had been condemn'd by the Commissioners, by the Na-
tions, by the College of Cardinals, and by *Otho de Colonna* himself,
before he was Pope. Had he not Reason to fear that this Refusal
would render him liable to be suspected of having been corrupted by
the Knights of the [illegible] Order, who had induc'd *Falkenberg* to
compose that abominable Libel, or by the Duke of *Burgundy*'s Fac-
tion, of which *Falkenberg* had been the Advocate as well as *John*
*Petit*? What a monstrous Difference is there between *Otho de Colonna*,

1418. the Cardinal, who fulminated ſo terrible a Bull of Excommunication againſt *John Hus*, on the Part of *John* XXIII. and that ſame Cardinal, who, when he was a Pope, can be ſo gentle to an abominable Doctrine, tending to the Maſſacre of Kings and entire Kingdoms? And if it be true, as *Bzovius* ſays, that *Martin* V. caus'd his Bull againſt the *Huſſites* to be publiſh'd in this Seſſion, was he not apprehenſive that his Zeal againſt Opinions, which a great Part of the World did not look upon as heretical, would be ſet in a Parallel with his Connivance at ſcandalous Maxims, which, in the Opinion of all Mankind, were deteſtable? How comes it to paſs that *Martin* V, contrary to the Practice of the Council for above three Years, refuſes to have approv'd or condemn d in full Council, what had been approv'd or condemn'd unanimouſly by the Nations, and that now he will only approve what has been before approv'd in the Council? *Bellarmin* has pretended, that what *Martin* V. meant by it, was to exclude from his Approbation the Decree of the Vth Seſſion, which eſtabliſheth the Superiority of the Council over the Pope, becauſe, ſays this Cardinal, that Decree was not paſs'd *conciliariter*, that is to ſay, according to his Explanation of this Word, *according to the manner of other Councils, after having carefully examined the Matter.* But there is nothing more prepoſterous than the Opinion of this Cardinal, as Dr. *Richer* has very well obſerv'd: For *conciliariter* ſignifies *in full Council*, and not at all *after the manner of Councils.* Now this Decree was agreed upon in full Council, and after a tedious and careful Examination of the Matter. The Cardinal *Cajetan* has render'd a Reaſon for this Declaration of *Martin* V. which is of no more Weight than Cardinal *Bellarmin*'s, *viz.* That *Martin* V. only meant to approve what had been determined in the *Council concerning Matters of Faith.* But who does not perceive that the Queſtion concerning the Superiority of the Council over the Pope, or of the Pope over the Council, a Queſtion of Faith, becauſe, for the eſtabliſhing of either Opinion, the Authority of the Scripture, Councils, and Fathers, is made Uſe of? Beſides, if *Martin* V. had been only inclined to approve or confirm what had been decided *concerning Matters of Faith*, he would not have approv'd of the depoſing of *John* XXIII. and *Benedict* XIII. the Reſignation of *Gregory* XII. and his own Election, becauſe thoſe Acts are not Matters of Faith. 'Tis therefore more clear than the Day, that *Martin* V. included in his Approbation the Decrees of the IVth and Vth Seſſions, and that he only excluded from ſuch Approbation the Suppreſſing of the Annates, and the Condemnation of *Falkenberg*'s Doctrine, which had been reſolv'd upon by the Nations, but had not been agreed upon in the Council, *conciliariter.* Having ſaid this for the clearing up of a Fact which is left to the Reader's Judgment, I proceed to another Reflection which relates to *Falken-*

*Bzov. ad ann.* 1418. p. 557.

*Bellarm. de Concil. auct.* Cap. 19.

*Richer Hiſt. Concil.* L. II. p. 254.

*Cajetan de auct. Papæ & Concil.* Cap. 8.

*Falkenberg* and his Book. I have it from *Dlugoſs*. This Hiſtorian ſays, that the Fathers of the Council, fearing that the Schiſm would break out again by the Appeal of the *Poles*, and by the Diſſatisfaction which they ſhew'd with *Martin* V, prevail'd on this Pope to confirm the Council's Sentence againſt *John de Falkenberg*; and that the very Reconciliation which was then made between the Pope and the *Poliſh* Ambaſſadors, was ſo ſincere and tender that the Tears trickled down their Cheeks. This ſame Author adds, that, at the Solicitation of the *Poles*, *Martin* V. carry'd *John de Falkenberg* to *Rome*, where, after having kept him Priſoner for many Years, he ſent him back to *Pruſſia*, with the Conſent of the King of *Poland*, but not till he had made him retract his Book. *Falkenberg*, at his Return into *Pruſſia*, finding himſelf ill requited by the Grand Maſter of the *Teutonick* Order, who gave him no other Reward than four Marks of *Pruſſia*, flung the Money upon the Ground, and wrote a Satyr againſt the *Teutonick* Order, which was even more ſevere than his Libel againſt the *Poles*. As he was carrying this Satyr to the Council of *Baſil*, he was arreſted at *Strasbourg*, by Order of the Knights, and his Writing, and every thing that he had about him, taken from him. He went, nevertheleſs, to *Baſil*, and died in *Sileſia*, as he return'd from the Council. Of all theſe Particulars I ſhall diſpute none with the *Poliſh* Hiſtorian, but that of the Reconciliation of the *Poliſh* Ambaſſadors to *Martin* V, and the Sentence which, he ſays, that Pope paſs'd upon *Falkenberg*'s Book in Council, becauſe theſe Particulars are contrary to the Acts, and to *Gerſon*'s Complaints in his Apologetic Dialogue. This perhaps happen'd after the Council; and I form this Conjecture upon a Letter which the King of *Poland* wrote to *Martin* V, at the Beginning of 1419, complaining of the Injuſtice that had been done him in the Council, on occcaſion of his Diſputes with the Knights of the *Teutonick* Order. 1418.

*Dlugoſs's Poliſh* Hiſtory, Lib. XI. p. 376, 377.

LXXVI. 'Tis proper to inſert this Letter, becauſe it gives the Publick more Light into this Affair than it can have from the Acts, which are in this Point very defective. 'In this Letter, the King 'of *Poland* complains to *Martin* V, that the Nuncios, whom he had 'ſent to accommodate his Differences with the *Pruſſian* Knights, and 'not to be his Judges, had condemn'd him, without ſo much as hear-'ing any Perſon in his Behalf, and that they had actually publiſh'd 'their Sentence before it had been communicated to him. He re-'preſents to the Pope, that though his Sentence cannot derogate 'from his Right, as his Holineſs himſelf had declar'd; yet it was 'very prejudicial to his Reputation, becauſe it made him paſs for a 'Slanderer, and for a Prince who undertook unjuſt Wars: That he 'did not take it ill that the Pope's Nuncios were more in the Knights 'Intereſts than his; but that he could not bear to think how unmer-

King of *Poland*'s Letter to *Martin* V. *Dlugoſs's Poliſh* Hiſtory, Lib. XI. p. 395.

1418. 'cifully they had defam'd him to the World, as they had done, by 'their Sentence. Which had render'd the Knights ſo haughty and 'inſolent, that they would not hear the mention of either Peace or 'Truce: That thoſe ſame Knights had hir'd *John de Falkenberg* to run 'him down every where, as a Deſtroyer of the Church, and of the 'Chriſtian Religion, though all his Actions witneſs'd his Zeal for 'both: That thoſe Knights, by violating all the Treaties which he 'had made with them, had drawn upon themſelves the juſt Effects 'of his Reſentment: That, after having been defeated ſeveral times, 'they return'd always to the Charge, inſtead of making a good Uſe of 'their Diſgraces and frequent Overthrows: That, when he had gain'd 'great Advantages over them, he was inclin'd to draw off his Troops, 'at the Recommendation of the Pope and the Emperor, in hopes 'that at length he might obtain a ſolid and durable Peace: That, 'the laſt time of all, when he had a good Army on foot in the 'Neighbourhood of the Knights, he did not care to make uſe of it 'againſt them, becauſe it was the Deſire of the Emperor, who ſent 'the Archbiſhop of *Milan* to him for that Purpoſe: That all Mankind might judge of his Zeal for the Chriſtian Faith, from the 'great Number of Infidels whom God had converted by his Miniſtry ſince his being baptiſed; but that he ſhould have made a much 'greater Progreſs, if he had not been obſtructed by the Knights, 'who wiſh'd that all their Neighbours had been Pagans, in order 'to have a fair Pretence for invading their Territories, and who 'exceed the moſt barbarous People in Acts of Violence and Cruelty: 'That nevertheleſs, though the Pope's Nuncios have manifeſted ſo 'great a Partiality, yet he does not refuſe to enter into a Compoſition with the Knights, by the Mediation of his Holineſs's ſaid 'Nuncios, provided he will be pleaſed to repair the Injury which 'they have done him by their unjuſt Sentence, and heal his wounded 'Reputation.' *Dlugoſs*, from whom I have this Letter, ſays, that *Martin* V. was very much incenſed at the Conduct of his Nuncios, and that of the Knights, which might incline him to do Juſtice to the King of *Poland* in the Caſe of *John de Falkenberg*. And, perhaps, then it was too that the Reconciliation was made between the Pope and that Monarch's Ambaſſadors.

The Emperor returns from *Zurich*. *April* 28.

LXXVII. THOUGH the Council was broke up, and every body had Leave to return home, yet ſeveral Things remain'd ſtill to be regulated, both in Spirituals and Temporals. The Emperor took this Opportunity to make a Tour to *Zurich*; but, after a ſhort Stay there, he return'd with ſuch Precipitation, that, as *Dacher* ſays, he kill'd ſeveral Horſes under him. This Haſte of his was aſcrib'd to the Death of the Count *de Schwartzenbourg*, one of his Chief Miniſters; and to the Report that the Pope intended to depart with all Speed, though

though the Emperor had desir'd him not to stir one Foot. Indeed, upon the 29th, *Martin* order'd all his Officers to settle Accompts immediately with their Landlords; and on the 2d of *May* he caused the Concordates to be publish'd which he had made with each Nation. The *Germans* and the *English* were not so uneasy at this Proclamation as the *French* were, who however were not able to hinder it. But when the Concordate was carry'd to *Paris* by the Bishop of *Arras*, the Parliament would not accept it, and even drew up a Memorial against it to be presented to the Pope. 1418. *April* 29. *May* 2.

LXXVIII. THIS Concordate was very near the same with that which *Martin* V. had made with the *English* and *Germans*; and they were all form'd upon the Foot of the Articles of the Reformation which he had presented to the Nations, and of which we have already given an Extract, excepting some Privileges granted to the University of *Paris*. The Curious, who would compare the *French* Concordate with those of the *Germans* and *English*, may find it at the End of this History, taken out of the IVth Tome of Dr. *Von der Hardt's* Collection. *Richer* tells us, that, after the Death of *Charles* VI, which happen'd in 1422, *Martin* V. sent Nuncios into *France* to cause the King's Edicts and the Parliament's Arrets in favour of the Liberties of the *Gallican* Church, to be revok'd, and his Concordate to be accepted. To carry this Point, those Nuncios establish'd it for a Maxim, *That the Sentence of the Pope must be obey'd, even when 'tis unjust*. *Gerson* confuted this Maxim, and maintain'd, that the Kings of *France*, by swearing, on the Day of their Coronation, to maintain the Liberties of the *Gallican* Church, were oblig'd to oppose, as Usurpations, the Sentences of any Pastor whomsoever, even those of a Pope, when they were contrary to those Liberties. But afterwards the Pope managed the Matter so well by his Promises, and by the Credit of the Queen of *Naples* and the Duke of *Bretagne*, that, in 1425, *Charles* VII. publish'd an Edict contradictory in several Things to the Liberties of the *Gallican* Church. *Martin* V's Concordate with the *French*. *V. d. Hardt*, T. IV. P. 1567. *Richer ubi supr.* Lib. II. p. 269, 270. *V. d. Hardt*, T. IV. P. 1529.

LXXIX. ON the 20th of *January*, the Pope granted to the Emperor, for one Year, the tenth Part of the Ecclesiastical Revenues of *Germany*, and of the Dioceses of *Triers*, *Basil* and *Liege*, towards making him Amends for the Sums he had expended, in the Course of several Years, for the Union of the Church. The Bull for this Purpose is to be seen in the IId Volume of Dr. *Von der Hardt's* Collection (1). It was drawn up almost in these Terms. 'The Pope, by 'the Advice of the Cardinals, and with the Consent of the Prelates, 'and other Beneficed Persons in *Germany*, grants to the Emperor, The Pope grants the Emperor a Year's Tenths upon the Clergy of *Germany*. *V. d. Hardt*, T. II p. 502.

(1) All the Pieces relating to this Affair have been found in MS. in the Royal Library at *Berlin*.

1418. ‘ for one Year, the Tenths of all the Ecclesiastical Revenues of *Ger-*
‘ *many*, and of the Dioceses of *Triers*, *Basil* and *Liege*, except the
‘ Revenues of the Cardinals, and of the Hospitals of St. *John*, and
‘ of the *Teutonic* Order; and this notwithstanding all manner of Pri-
‘ vileges and Exemptions.’ The Commission for levying this Impost having been granted to the Archbishop of *Riga*, and to the Bishops of *Passaw* and *Brandenbourg*, as appears by a Letter to them directed from the Pope, those Prelates publish'd very severe Orders upon it throughout all *Germany*, even so far as to threaten the disobedient, not only with the major Excommunication, but even with military Execution and Imprisonment. This Mandate is dated the 2d of *May* at *Constance*, and sign'd by *John Abundi*, then Archbishop of *Riga*, and by *John de Waldow*, Bishop of *Brandenbourg*. *John George* Count *de Hohenlo*, Bishop of *Passaw*, one of the three Commissioners, was absent. The Elector of *Brandenbourg*, the two Princes of *Bavaria*, the Archbishop of *Colveza*, the Bishop of *Lubeck*, the Bishop of *Traw* in *Dalmatia*, and the Bishop of *Coire*, were call'd to be Witnesses of this Act. Nevertheless, this Affair was attended with Difficulty. The Churches of *Germany* made strenuous Remonstrances upon it to the Commissioners appointed to see this Bull put in Execution; and, for this End, they made use of the Pen of a Civilian of *Florence*, call'd *Dominic de Geminiano*. They take notice, 1. That this Bull of *Martin* V. is contrary to another of that Pope's Bulls, whereby he declares that he will impose no Tenths upon the whole Body of the Clergy, in any Kingdom or Province, without the Consent of the Prelates of such Kingdom or Province, or of the Majority thereof, which, they say, was not had upon this Occasion. 2. That the Menaces of Corporal Punishment denounc'd in this Bull, are contrary to a Bull of *Boniface* VIII, which expressly forbids the employing of the Secular Arm against those who refuse to pay the Tenths, and which excepts out of that Number several Persons and Benefices that are not excepted in that of *Martin* V. 3. They demand that those Tenths may be moderated according to the Rate of those which were formerly granted to *Charles* IV, the Father of *Sigismond*; and that such may be excepted as ought to be excepted according to the ancient Constitutions. 4. That it may be lawful for the Complainants to appeal, and that Excommunication may not take Place during the Appeal. It does not appear by the Acts, what was the Council's Resolution upon this Affair, nor even whether they took Cognisance of it: But 'tis certain, that it made a very great Noise; and that what the Pope had granted to the Emperor, as a Reward for having procur'd Peace to the Church, had like to have occasion'd a great War in *Germany*.

See the XLIIId Session

LXXX. THE

LXXX. THE Pope had taken all the neceſſary Meaſures poſſible with regard both to his Intereſts and Authority. He pretended he had fulfill'd the Promiſe which he had made to reform the Church, by the Decrees which he publiſh'd in the XLIIId Seſſion, as he then declar'd: And even the Nations, either by fair Means, or Force, ſeem'd to acquieſce in it. The Concordates, which he made with each of them ſeparately, had been publiſh'd, and he had depoſited them in his Chancery, of which he had alſo publiſh'd the *Rules*. *John* XXIII. had acquieſced in his being depoſed: *Gregory* XII. was dead: The Council had depoſed *Benedict*: And *Martin* V. had nothing more to demand, or deſire, of the Aſſembly in this reſpect. 'Tis true that none of the Nations, except the *Italians*, had any great Reaſon to be ſatisfy'd with this Pope. The *French* had not acquieſced in his Concordate, becauſe it was contrary to the Liberties of the *Gallican* Church; and his obſtinate Refuſal to condemn the Errors of *John Petit* was another very lawful Plea for the Diſguſt of the Ambaſſadors of *France*. The *Poles* had appeal'd from his Judgment, or rather from his Denial of Juſtice, to the next Council. The King of *Arragon* was incens'd by the Denial he had given him relating to the Benefices of *Sicily*. The Clergy of *Germany* were oppreſs'd by the Order he had iſſued to levy the Tenths of the Eccleſiaſtical Benefices for one Year to reimburſe the Emperor. There did not appear any publick Diſguſt on the Part of the *Engliſh*; but 'tis certain, that the poor Eſſay towards a Reformation, which he had made in the XLIIId Seſſion, did not anſwer the Hopes which they had, for a long time, conceiv'd of it. From the Reign of *John Lackland*, who, by a ſolemn Act, made that Kingdom tributary to the See of *Rome*, down to the Reign of *Henry* VIII, who ſhook off that Yoke, the *Engliſh* inceſſantly complain'd of the Pope's tyrannical Exactions. *Henry* III. made vain Efforts in the Council of *Lyons* to deliver himſelf from this Slavery; and as to what was done in this Matter, under the Reigns of the *Edwards*, we have mention'd it elſewhere. That was the chief Motive of *Wickliff*'s Preaching; and ſmart Pieces were written every Day upon the Subject from that Time till the Council of *Conſtance*, as will be ſeen hereafter. But we are inform'd, by Mr. *Collier*'s Eccleſiaſtical Hiſtory, that, as ſoon as *Martin* V. had left the Council, he did not give himſelf much Trouble about the Concordate he had made with the *Engliſh*. He aſſum'd to himſelf the Diſpoſal of all the Biſhopricks, diſſolv'd the Elections of the Chapters, and, in the ſpace of two Years, created thirteen Biſhops in the Province of *Canterbury*. The ſame Author adds, that about the ſame time he made his Nephew, *Proſper de Colonna*, though only fourteen Years of Age, Archdeacon of *Canterbury*. But to leave that as it was, and to return to the Council, *Martin* V. finding himſelf

1418.

The Pope gives Notice of his Departure.

*Collier's* Hiſt. of Eng. p. 644.

1418. recogniz'd almoſt by all Chriſtendom, did not much value all theſe Diſguſts, and aim'd at nothing more than to return, with all Speed, to *Italy*, there to eſtabliſh his Authority, and to retrieve the Affairs of the See of *Rome*, which were at that time in great Diſorder. *May* 4 Therefore, on *Wedneſday* the 4th of *May*, he cauſed publick Notice to be given, that he was reſolv'd to ſet out on the *Monday* following, without Delay, from *Conſtance*. It ſeems that they did not expect his Departure would be ſo ſpeedy. The Emperor was ſurpriz'd and offended at it. He very earneſtly intreated him to ſtay the reſt of the Year out at *Conſtance*, in order to put an End to ſeveral Affairs which ſtill remain'd to be ſettled. He would alſo fain have engag'd him to fix his Court and Reſidence in *Germany*; and, for this Purpoſe, he offer'd him *Baſil*, *Strasbourg*, *Mentz*, or any other Town he would pleaſe to make choice of. *Platina* informs us, that the *French*, on the other hand, did all that they could to engage him to fix his See at *Avignon*, after the Example of ſome of his Predeceſſors. But to theſe ſeveral Inſtances he made Anſwer: 'That what was deſir'd of him 'was not in his Power to grant: That the Patrimony of the Church 'was at the Mercy of Plunderers, in the Abſence of her Shepherd, 'thro' the Tyranny of ſeveral Biſhops, who manag'd it as they 'pleaſed: That the Capital City of Chriſtendom was cruelly expoſed 'to the Calamities of War, Famine, Peſtilence and civil Diſcord; 'not to mention the Churches and Chappels of the Holy Martyrs, 'moſt of which were fallen to Decay, and that they would all run to 'Ruin if there was not ſpeedy Help.' He intreated them to yield to Reaſon and Neceſſity, becau'e, after all was ſaid and done, as he had been acknowledged by the whole World for St. *Peter*'s Succeſſor, it was but juſt that he ſhould go and ſeat himſelf *on the Throne of that Apoſtle*; and that as the Church of *Rome* was the Head and Mother of all the Churches, it was abſolutely neceſſary that the Soveraign Pontiff ſhould reſide at *Rome*, *as a good Pilot ought to keep at the Stern, and not at the Prow of the Veſſel.* They were forc'd to acquieſce with theſe Reaſons, without being able to obtain more than a Delay of a few Days. Therefore he caus'd publick Notice to be given on that very Day, that all who intended to accompany him, muſt prepare to ſet out in a Fortnight's Time for *Geneva*, where he had reſolv'd to keep his Court till he could remove to *Rome* with Safety. As it was impoſſible to retrieve the falſe Step the Council had made in chuſing a Pope before all the Articles of the Reformation of the Church were well fix'd, the Emperor, who could not detain *Martin* V. any longer, thought alſo of his own Departure; and, with this View, he ſent the Duke of *Brieg* to *Baſil*, to order Lodgings for him. Mean time, there was no want of ſolemn Proceſſions, and the Pope diſtributed Indulgencies to the Inhabitants of the Town, whoſe Bells

*Windeck, ap. V. d. Hardt, T. IV. p.* 1580.

Bells were all fet a ringing. The Emperor, on his Part, after having 1418.
ſettled the Expences of his Court with them while he ſtay'd at
*Conſtance*, publickly thank'd the Magiſtrates and Burghers for their *May* 14.
good Offices.

LXXXI. AT length, on the 15th of *May*, the Pope celebrated The Pope leaves *Conſtance*. *May* 15.
his laſt Maſs in the Cathedral Church, and ſet out next Day in great
Ceremony, being accompany'd by the Emperor and the other Princes,
without ſtaying for *Frederick*, the Count *de Colonna*, his Uncle, who
was on the Road to go with him, and who did not arrive at *Conſtance*
till the 26th of *May*. The Ceremony of *Martin* V's Departure is thus
related by *Reichenthal*. Twelve led Horſes went firſt with Scarlet
Houſings, which were follow'd by four Gentlemen on Horſeback,
bearing four Cardinals Caps upon Pikes. After them, a Prieſt march'd,
bearing a Croſs of Gold, who was follow'd by another Prieſt, that
carry'd the *Sacrament*. Twelve Cardinals march'd next, adorn'd with I keep to my Author.
their red Hats, and follow'd by a Prieſt riding on a white Horſe, and
offering the Sacrament to the Populace, under a kind of Canopy ſur-
rounded by Men bearing Wax Tapers. After him follow'd *John de
Suſate*, a Divine of *Weſtphalia*, who likewiſe carry'd a golden Croſs,
and was encompaſs'd by the Canons and Senators of the City, bearing
Wax Tapers in their Hands. At laſt, the Pope appear'd in his *Pon-
tificalibus*, riding on a white Steed. He had upon his Head a *Tiara*,
adorn'd with a great Number of Jewels, and a Canopy was held over
his Head by four Counts, *viz.* *Eberhard* Count *de Nellenbourg*, *Wil-
liam* Count of *Montferrat*, *Berthold* Count of *Urſins*, and *John* Count
*de Thirſtein*. The Emperor held the Reins of the Pope's Horſe on
the Right Hand, being follow'd by *Lewis* Duke of *Bavaria* of *Ingol-
ſtadt*, who held up the Houſing, or Horſe Cloth. The Elector of
*Brandenbourg* held the Reins on the Left; and behind him *Frederick*
of *Auſtria* perform'd the ſame Office as *Lewis* of *Ingolſtadt*. There
were four other Princes on both Sides, who held up the Horſe-
Cloth. The Pope was follow'd by a Gentleman on Horſeback, who
carry'd an Umbrella to defend him in caſe of Need, either from the
Sun or Rain. After him march'd all the Clergy, and all the Nobi-
lity, on Horſeback, in ſuch Numbers, that they who were Eye-
witneſſes reckon'd up no leſs than forty thouſand, beſides the Multi-
tudes of People that follow'd on Foot. When *Martin* V. came to the
Gate of the Town, he alighted from his Horſe, and chang'd his
Prieſt's Veſtments for a red Habit. He alſo took another Hat (1),
and put that which he wore upon the Head of a certain Prelate who
is not nam'd. Then he took Horſe again, as did alſo the Emperor,
and the Princes, who accompany'd him to *Gerlieben*, where he embark'd

(1) My Author has not ſaid before that the Pope had a Hat

1418. on the *Rhine* for *Schaffhausen*. The Cardinals, and the rest of his Court, follow'd him by Land, and the Emperor return'd to *Constance* with the other Princes.

The Departure of the Emperor and several Ambassadors.

LXXXII. THERE being nothing more to do after the Pope was gone, every body prepar'd to depart. The Archbishop of *Gnesna*, and the other Ambassadors of *Poland*, went away very much disgusted that they had not been able to obtain Justice against *Falkenberg*'s seditious Book. *Gerson*, who had upon all Occasions express'd a Zeal to no Purpose, for the Condemnation of another Author of the same Stamp as *Falkenberg*, was oblig'd to banish himself (1), and being afraid to venture into *France*, where the Duke of *Burgundy* was then Lord Paramount, he retir'd to *Rathenbourg* in *Bavaria*, where he was very well receiv'd by Duke *Albert*, and where he compos'd several Pieces in his own Defence. In 1419, he went to *Lyons*, to the Convent of the *Celestins*, of which *Nicholas Gerson*, his Brother, was the Prior. In this solitary Retirement, he compos'd several Tracts, and died there in Peace in 1429, aged sixty six.

*May* 17.

THE Elector of *Brandenbourg*, after having signaliz'd himself at the Council in an extraordinary Manner, by his prudent Councils, and by the indefatigable Pains, of which he always bore a Part with the Emperor, for the Welfare of Christendom, set out likewise on his Return to his own Dominions. The Emperor, who had been the most zealous Person for assembling the Council, was one of the last that left it. *Reichenthal* says, that he went back again to *Basil* on the 19th of *May*, with a Design to confer with the Dukes of *Burgundy* and *Savoy*; but that this Interview having no Effect, he return'd again, in two Days time, to *Constance*, from whence he at last set out on the 21st of *May*. He took the Road of *Strasbourg*, with a Design to visit some Towns of *Alsace* which belong'd to the Empire. We learn from *Windeck*, that the Emperor had an Interview at *Montbelliard* with the Duke of *Burgundy*, to pacify the Troubles of *France*, and to concert Measures against the Count *d'Armagnac*, who was one of the chief Abettors of them.

*May* 19.

*May* 21.

An Apology for the Emperor.

LXXXIII. IT has before been observ'd, that some of the *French* Historians have not been very favourable to the Memory of this Emperor. Perhaps they had their Reasons; and it would be Rashness to undertake an Apology for his Conduct at this Council in all Respects. He was ill advised perhaps on some Occasions, not well supported in his good Designs on others, and perhaps he was sway'd by

(1) Scito, Monice, quoniam in Constantiensi Concilio generali cum germano tuo conversatus usque ad finalem summi Pontificis egressum, tandem diverticula quærens exivi cum eodem qui juxta cognomen suum pregrinus effici maluit in terra aliena, quam ad suos huc regredi. *Gers.* T. I. p. 130.

the

the Principles of Education, to commit ſome Actions that have cauſed a Stain upon his Memory. It muſt be left to Politicians, or Men of Speculation, to explain the Motives of human Actions, or we are bound to believe them good when they appear ſuch. We cannot refuſe *Sigiſmond* the Praiſe of having behav'd throughout this great Affair, as a truly Chriſtian Hero, ſurmounting the greateſt Difficulties, and ſubmitting to none but ſuch as could only be overcome by Wars, and greater Diſorders than thoſe which he deſir'd to remedy. He oblig'd *John* XXIII. to aſſemble a Council in a Place where that Pope, who was the Abhorrence of all Mankind, was not in a Condition to baffle Chriſtendom, as he and his Competitors had all along done. He humbled him to ſuch a Degree, that he obliged him to ſet his own Hand to the Act for depoſing him; and, in order to reduce his Adherents and Abettors, he made the beſt Uſe that a Prince could do of his Authority. A Behaviour ſo ſteddy and vigorous oblig'd *Gregory* XII. to reſign the Pontificate, for fear of incurring the ſame Diſgrace as *John* XXIII. Nothing more remain'd to be done than to oblige *Benedict* XIII. to return to his Duty, and to keep a Promiſe, which he had ſo often made with Solemnity, but always evaded with the greateſt Obſtinacy. The Emperor went, in Perſon, to *Arragon*, amicably to diſpoſe the Princes of that Pope's Obedience to abandon him. He ſucceeded in that Negociation, with reſpect to the Princes and the People; and though he could not work upon that Anti-pope, he made ſuch Offers to him, however, as left him quite inexcuſable, and juſtify'd the Council in depoſing him. Long Experience, and, even not to go farther backward, the Examples of thoſe three Competitors whom they had found ſo much Difficulty to reduce to Terms, had made it very plain, that the Reformation of the Church, eſpecially in its Head, would never be brought about by the good Will of any Pope. All Things authoriſed the Council to undertake the Reformation before the Election of a Pope, becauſe the Council had been declar'd ſuperior to the Pope, and had aſſum'd the Authority of ſetting three of them aſide. The Emperor ſtrenuouſly inſiſted upon this Reformation before they proceeded to the Choice of a new Pope. But the Intrigues of the Cardinals, the Miſunderſtandings between the Nations, the Prepoſſeſſions of ſome in favour of the Pope's Supremacy; all theſe Things together fruſtrated the good Intentions of this Prince, which were fully juſtify'd by the Event of Things, becauſe it was impoſſible ever to attain to a Reformation of the Clergy, after having loſt ſo fair an Opportunity as they had of doing it while there was no Pope in being. 1418.

LXXXIV. THUS ended the Council of *Conſtance*, in which Things were tranſacted that are truly worthy of being remember'd to the Laſt Ages of Time. But the Succeſs of it was far ſhort of anſwering the Hopes which The Concluſion of the Council

1418. which Christendom had Reason to conceive from it. Persons were committed by it to the Flames, whose greatest Crime was their Want of Patience and Submission, and their having inveigh'd with too much Fury against such Abuses as were not only condemn'd by all Mankind, but disapprov'd of by the Council itself. On the contrary, they spared such pernicious Errors as tended to the Subversion of whole States, and to the Overthrow of the most capital Maxims of the Christian Religion: Nor could the Union of the Church be carry'd to any Degree of Perfection, because *Benedict* XIII. was still supported, at least secretly, by a King that was out of Humour with the new Pope. But the Foible of the Council is in no respect so manifestly seen, as with regard to the Reformation of the higher and inferior Clergy, that is to say, the Pope, his Court, the Prelates, the inferior Clergy, Regular and Secular, the Monks and Monasteries, though it appears from all Authors who have treated of this Council, that such a Reformation was the chief End of it. Mean time, since the want of this Reformation ought to be chiefly imputed to the Pope, the Cardinals, and some other Prelates, corrupted by the Hopes of Benefices and Ecclesiastical Dignities; and as the Council was seriously engaged in that Work by its Deputies, 'tis absolutely necessary, both for the Justification of the Council, and for the Truth of History, to report what pass'd upon this Head among the Commissioners chosen by the Nations for the Reformation of the Church, As the Things in question were little more than Beneficiary Matters, in which few People are concern'd, this Article is plac'd at the End of this Work, by way of an historical Dissertation, which makes the Seventh Book. Though it will only be read by such as are curious to know these Matters, yet nevertheless it will remain to Posterity.

Situation of the Affairs of *Europe*, and the State of the Church.

LXXXV. BUT before we enter upon it, the Reader perhaps will not be displeased if we conclude this Sixth Book with a short general Review of the Affairs of *Europe*, and of the State of the Church during this Year, and at the Opening of the next. We will begin with *Italy*. When *Martin* V. set out from *Constance* for *Italy*, he pass'd through *Schaffhausen*, and from thence went to *Berne*, where he stay'd some Days, and lodg'd with the *Dominicans*. From *Schaffhausen* he went to *Geneva*, where he had promised to keep his Court for a while, to give some sort of Content both to the *Germans* and *French*, because that City is situate betwixt *France* and *Germany* (*a*). He arriv'd there on the 11th of *June*, accompany'd by fifteen Cardinals, and the Duke of *Savoy*, and lodg'd with the *Cordeliers* of *Riva*. While he stay'd there, he celebrated two solemn Masses; the one in St. *Peter*'s Church, upon the Feast of St. *Peter* and St. *Paul*; the other upon the Assumption Day, in the Church of our *Lady of Grace*. They say, that this Pope made a Statute, forbidding the Admission of any

*ITALY.*

(*a*) *Spond. ann.* 1418. num. ix.

Canon

Canon in St. *Peter*'s Church who was not a Gentleman, or a Doctor of one of the Faculties (*a*). In this City, he gave Audience to the Ambaſſadors from *Avignon*, who came to take the Oath of Allegiance to him (*b*). Mention has already been made of ſome of this Pope's Bulls, dated at *Geneva*. There is another of them, dated the 13th of *June*, wherein *Martin* gives a Diſpenſation to *John* Count *de Foix* to marry *Blanche*, who was Siſter to his firſt Wife, *Joan*, the eldeſt Daughter of *Charles* King of *Navarre*. The View of this Diſpenſation was to ſecure to the Count *de Foix* the Succeſſion to the Kingdom of *Navarre*, of which *Blanche* was the preſumptive Heireſs. One of the Continuators of *Baronius*, who has recorded this Bull, ſays, his Reaſon for inſerting it was to ſhew that Diſpenſations of this kind being not unprecedented, when *Julius* III. gave one much like it to *Henry* VIII, the latter was in the wrong to break with the See of *Rome* upon that Head (*c*). The Annaliſt ſeems to me to have miſtaken the Fact (1); but that is his Buſineſs, and not mine. Among the Acts in Mr. *Rymer*'s *Fœdera*, we find two Bulls dated at *Geneva* the 18th of *Auguſt*, 1418. By the one, *Martin* V. permits his moſt dear Son, the King of *England*, to *tranſlate*, or to cauſe *decently* to be tranſlated, by devout Perſons, ſome Part of the ſacred Relicks in the Metropolitans Cathedrals, and other Churches or Eccleſiaſtical Places of the Duchy of *Normandy*, and other Provinces of *France*, which were, or ſhould be, under the Dominion of *Henry* V, to be depoſited in other Places, and expoſed to the Veneration of the People, where-ever he ſhould think fit, and according to the Dictates of his Devotion and Conſcience.

1418.

(*a*) Hiſtor. MS of *Geneva*.

(*b*) *Raynald. ann.* 1418. num. xxxvi.

(*c*) *Raynald. ann.* 1418. num. xxxiv.

By another Bull, *Martin* V. permits *Henry* V, and his Succeſſors, to have two or more portable Altars *(Portatilia)* that he and his Retinue may be able to attend at Maſs and at Divine Service in Places that are interdicted. The Clauſes of this Grant are worth mentioning. 1. The Divine Service ſhall be perform'd not at Night, but before Day-break. The Bull gives two Reaſons for this Precaution; *Not in the Night*, becauſe our Lord Jeſus Chriſt, the Son of God, who is Whiteneſs and Light everlaſting, being ſacrific'd upon the Altar, it would be indecent to perform it in Darkneſs. *Before the Break of Day*, in order not to prejudice the Prerogatives of another, that is to ſay, of the Pope in ſuch Places as he ſhall put under an Interdict. 2. This Grant ſuppoſes that the King of *England*, or his Retinue, has not given Occaſion for the Interdict, becauſe in this Caſe it

(1) *Henry* VIII. did not break with the See of *Rome*, by reaſon of the Diſpenſation of *Julius* III, but becauſe *Leo* X. would not revoke that Diſpenſation, and diſſolve his Marriage.

would

1418. would not be lawful for him to cause the Divine Service to be celebrated any where, or to assist at such Service. 3. The Bull orders, that the Priest, who officiates, shall labour under no *Disability (per proprios vel alios Sacerdotes idoneos, i. e.* by their own or other capable Priests); that the Service shall be perform'd in convenient and decent Places; and that, finally, the King shall make use of this special Grace and Privilege very sparingly and circumspectly *(parce)* (*a*).

(*a*) As to portable Altars, see the Dictionnary *de Trevoux*.

*MARTIN* V. departed from *Geneva*, on the 3d of *September*, for *Milan*, where he was receiv'd with great Honours by *Philip-Mary* the Duke of *Milan*. This Prince was then at war with several of his Neighbours, who had dismember'd his Dominions; and particularly with *Pandolphus Malatesta*, who, after having taken *Bergamo* by Treachery, march'd to *Brescia (Brixia)*, and threaten'd the Duke with nothing less than turning him out of his Dominions. But the Storm was laid, at least for a while, by the Assistance of the *Venetians*, and by the Authority of *Martin* V, who inclin'd the Duke to Peace. From *Milan* the Pope went to *Mantua*, where he stay'd about four Months, and where he concluded the Treaty between the Duke of *Milan* and *Malatesta*. There he receiv'd Ambassadors from several Cities, sent Legates to divers Parts, and there he negociated several Treaties of Peace. His Bull against Persons guilty of Simony, is also dated at *Mantua*, and there he admitted *Dominic Capranica Clerk of the Apostolical Chamber*, which was formerly a very considerable Office at the Pope's Court. This *Dominic* was after made Secretary, then Prothonotary, then Bishop of *Fermo*, and lastly a Cardinal. *Martin* V. did not think fit to go to *Bologna*, because quickly after *John* XXIII. was deposed, the *Bolognese* shook off the Yoke of the See of *Rome*, and recover'd their Liberty. He went therefore to *Florence*, where he stay'd near two Years, till he could enter *Rome*; one Part of which was in Possession of General *Braccio*. If we may believe *Poggius* the *Florentine*, and *Leonard Aretin*, who ought to know the Fact, *Martin* V. was not very well receiv'd, nor very well entertain'd at *Florence*. Those Authors say, that the very Children in the Streets sung, *Papa Martino non vale un quattrino, i. e. Pope* Martin *is not worth one Brass Farthing*, without being call'd to account for it by the Magistrates. The Pope dissembled his Resentment for that time, being resolv'd to give it vent the first fair Opportunity: *I will make them know*, said he to *Leonard Aretin* his Secretary, *that I am worth something more than a Farthing* (*b*).

(*b*) *Leon. Aret. Hist. Florent.*

*Poggius*, who was in other respects a mighty Stickler for his Country, finds Fault with it for behaving so ill upon this Occasion. *The City*, says he, *was enrich'd, and considerably augmented, by the favour of a long Peace. Puff'd up with her Prosperity, she thought she might despise all Mankind, and the Pope himself, without considering the Inconstancy of*

of his Time.

*of Fortune, who is never more to be fear'd than when ſhe ſeems to be fondeſt* (*a*). Another Thing had ſtung *Martin* V. to the quick, *viz.* the Support that had been given by the *Florentines* to *Braccio*, who had ſeiz'd ſeveral Towns in the Eccleſiaſtical State, not excepting *Rome* itſelf, and the Grant which they had made to that General of the Freedom of their City (*b*). Nevertheleſs he regulated ſeveral Affairs at *Florence*. He there receiv'd the four Cardinals of *Peter de Luna*, and reſtor'd them to their Dignities. Though *Martin* V. had diſcharg'd the Elector Palatine from the Trouble of guarding *Balthaſar Coſſa*, who had been *John* XXIII, yet he was ſtill in Priſon at *Heydelberg*. Some Citizens of *Florence*, and eſpecially *Coſmo de Medicis*, made great Inſtances with the Pope for his Enlargement. *Martin* promiſed it, and alſo ſent a Legate to demand the Liberty of this Pope who had been near four Years a Priſoner. But the latter, without ſtaying for the Arrival of the Legate, purchas'd his own Liberty with a Sum of 30000 Crowns of Gold, which he paid to the Elector Palatine (*c*). As *Balthaſar Coſſa* was preparing to go for *Florence*, he was inform'd that Traps were laid for him upon the Road, upon which he reſolved to go and find out his old Friend *Thomas Fregoſe*, who was at that time Doge of *Genoa*, not without giving great Suſpicion that he was hatching ſome Rebellion, and that he had a mind to renew the Schiſm by re-aſcending the Papal Throne, becauſe it was believ'd he could never bring himſelf to like a private Life. Yet ſome time after, of his own Accord, and without any Convention, he went and threw himſelf at the Feet of *Martin* V, and, to the great Surprize of all Mankind, own'd him to be the legal Pope. The latter was ſo affected by it, that he created him Cardinal-Biſhop of *Freſcati* (1), and always paid him the ſame publick and private Honours as the other Cardinals. But he thought thoſe Honours too mean for his Ambition, and did not long enjoy them; for in a few Months after, he dy'd at *Florence* (2), where he was honourably interr'd in St *John*'s Church, which is not far from the Cathedral, with this Inſcription upon his Tomb; *Here lyes the Body of* Balthazar Coſſa, *who was heretofore Pope* John XXIII. 'Tis ſaid that theſe Honours were paid him at the Solicitation of *Coſmo de Medicis*, whoſe Treaſures were ſo much encreas'd by *John* XXIII's Wealth, that he was the moſt powerful Man in *Florence*, and was reckoned the richeſt Man in all *Italy*, and in Foreign Countries too (*d*). While *Martin* V. was at *Florence*, Ambaſſadors came thither from the Emperor of *Conſtantinople*, with an Offer to him to

1418.

(*a*) *Pogg's* Hiſtory of *Florence* Lib. V. p. 203.

(*b*) Pogg, *ub. ſup.*

(*c*) *Platin's* Life of *Martin* V.

(*d*) Platin, *ub. ſupr*

(1) This Biſhoprick is ſtill poſſeſs'd by one of the ſix oldeſt Cardinals.

(2) Some ſay he broke his Heart, others that he was poiſon'd. *Antonin. Florent. Hiſt.* Part III. Title XXII. Cap. VII. Fol. 158.

1418. embrace the Faith of the *Latin* Church, provided he might have reaſonable Terms. The Embaſſy was very well receiv'd, and the Pope appointed a Cardinal-Legate to negociate this Affair at *Conſtantinople.*

AT the ſame time a certain Monk appear'd, nam'd *Mainfroy* of *Verceil* in *Savoy*, of the Order of Preaching Friers, a devout Man, who boaſted he had the Gift of Prophecy. This Monk took it into his Head publickly to preach the ſpeedy Arrival of Antichriſt, founded upon Arguments which he pretended to infer from the *Revelations*; and by his Preachings he drew away a Multitude of People, of all Ages and Sexes, who left their Eſtates to follow him, and to form a third Order of St. *Dominick*, by the Name of the Order of *Penitence.* The Men liv'd in common apart from the Women. They work'd with their Hands for their Living, and their Converſation breath'd Innocence, Piety and Charity. Their Aſſembly conſiſted at firſt of about 400 Men and 300 Women, all *Lombards.* Mean time *Martin* V, fearing that this his new Inſtitution would occaſion Scandal, endeavour'd to diſperſe this Congregation, by ordering every one to return home, and forbidding all Perſons to give them Alms; but he could not compaſs his End, ſo zealous was the Devotion of the People to eaſe them. When *Martin* went to *Rome*, *Maimfred* follow'd him with his Company, which conſiſted chiefly of Women, the greateſt Part of whom dy'd for Want. The youngeſt of them, as our Author ſays, ſuffer'd themſelves to be drawn aſide by the various Deluſions of this Devil transform'd into an Angel of Light. They had a Notion in their Heads that *Mainfred* would be one Day a Pope; but when *Eugene* IV. ſucceeded *Martin* V, they abandon'd *Mainfroy*, ſeeing that he was not choſen a Pope, and that Antichriſt was not come. There was at that time in *Italy* a famous Preacher, named *Bernardin de Sienna*, of the Order of the *Minor Friers*, who drew a Multitude of People after him by his Preachments, in all Parts of *Italy*, where he was receiv'd with great Applauſe. He undertook to preach againſt *Mainfroy*, and *Mainfroy* in his Turn preach'd againſt him, but not at all to the Purpoſe, becauſe they were unequally match'd. 'Tis reported of this ſame *Bernardin*, that when he ſaw Jeſus Chriſt blotted out of the Hearts of Mankind, he thought fit to beſpeak a fine Picture with Jeſus Chriſt painted in the middle, and oblig'd the People to adore Jeſus Chriſt in the ſaid Picture; in which he was imitated by ſeveral Monks of the ſame Order, who expos'd the Picture to the Publick in their Proceſſions.

BUT ſome ſober thinking Perſons not approving of this Superſtition, and fearing that more Honour would be paid to the Picture than to the Original, laid the Affair before *Martin* V, who having held a Conſultation thereupon with the Prelates and Doctors, forbid

bid *Bernardin* this Practice, as very dangerous and ſuperſtitious, and the Preacher conform'd to it. An *Italian* Author, who has wrote the Hiſtory of the Biſhops of *Bologna*, thus accounts for the Origin of this Painting. *Bernardin* having ſuppreſs'd Cards and Dice, the Artiſt, who made the neceſſary Pictures for thoſe Games, and who got a great deal of Money by it, finding himſelf reduc'd to Beggary by *Bernardin*'s Sermons againſt Gaming, complain'd of it to him in very tragical Terms. *Bernardin*, to make him ſome Amends, only caus'd the Sun to be painted in Form of a Circle, and the Name Jeſus Chriſt to be writ within it in ſhining Characters, ordering the Artiſt to engrave that Draught, and to ſell the Prints; by which, Hiſtory ſays, he got more Money, than he did by painting the Cards and Dice for Gaming (1). 1418.

WE have obſerv'd how *Joan* Queen of *Naples* ſent Ambaſſadors to *Conſtance*, to recognize *Martin* V. As ſoon as ſhe was arriv'd at *Florence*, ſhe ſent her High Steward, who was alſo her Favourite, in an Embaſſy to him, to congratulate him upon his Return to *Italy*, and to do him Homage for the Kingdom of *Naples*. The Pope, on his Part, ſent *Peter Moroſini*, who was a Cardinal of *Gregory* XIIth's Creation, to give her the Inveſtiture of the Kingdom of *Naples*, and to crown her in that Quality; but he did this only on Condition that ſhe would releaſe her Husband *James de Bourbon*, Count *de la Marche* (2), whom ſhe had confin'd a long time in Priſon, that ſhe might indulge herſelf with the greater Freedom in her Pleaſures. Mean time this *Moroſini*, known by the Name of the Cardinal of *Venice*, was too illuſtrious a Prelate to be only mention'd curſorily, as he has hitherto been. Pope *Alexander* V, after his Election, ſent him into *Germany* to *Sigiſmond*, to offer him Aſſiſtance againſt the *Turks*, who had gain'd a ſignal Victory over the Chriſtians at the bloody Battle of *Nicopolis*, wherein a great Part of the *French* Nobility periſh'd. The Legate accompany'd *Sigiſmond* every where in another Expedition to *Hungary* and *Turkey*, wherein that Prince was as unſucceſsful as before, by the Loſs of another Battle with the *Turks* near *Semendria* in *Servia*. Sometime after this, he was at the Council of *Conſtance* at the Election of *Martin* V, who, as was juſt now obſerv'd, ſent him Legate to *Naples*. He dy'd about Ninety Years of Age, in 1424, at *Gallicano* near *Rome*, where a mag-

(1) *Antonin. Florent. Hiſt.* Part III. Tit. XXII. Cap. VII. §. V. Fol. CLIX. *Sigon de Epiſcop. Bonon. ap. Spond. ann.* 1419. Num. IV, V. From *Bernardin* came the Diſtinction of *Conventual Friers Minor*, and of the *Obſervantins*. The *Conventuals* were they who adher'd to the ancient Inſtitution, and the *Obſervantins* ſuch as kept to *Bernardin*'s Reformation.

(2) This Prince was a Monk of the Order of *St. Francis*, and dy'd at *Beſancon*, in 1438.

1418. nificent Tomb was erected for him by Order of the Senate of *Venice*. As he retain'd his full Strength of Body and Mind to the last, History reports, that he said on his Death-bed to those who were astonish'd at him, *That the Vigour of the Mind was to be preserv'd by Innocence, and that of the Body by Frugality* (a).

(a) *Ego. Purpur. Doct. Lib.* II. p. 516, 518.

As the General *Braccio* still kept Possession of great Part of the City of *Rome*, and St. *Peter*'s Patrimony, without having Regard to the Remonstrances of the Pope, the latter thunder'd out an Excommunication against him and his Accomplices, but they despis'd it to that degree, that they excommunicated the Pope himself. However, not long after, this General made his Peace with *Martin* V, by the Mediation of the *Florentines*, who, as has been observ'd, were always his very good Friends. Though *Martin* V. had express'd his Disgust at it, and though he could not forget the Ballads that had been sung against him in the Streets, yet he relented at this Speech of *Leonard Aretin* his Secretary. 'Is it possible, Most Holy 'Father, that you should give heed to the Tattle of Children? In 'what City have you found more Charms, or receiv'd more Advan-'tages, whether with regard to yourself, or the See of *Rome*, than 'in *Florence?* You was receiv'd there when you had not a Foot 'of Temporal Domain in the World. All your Cities were in the 'Hands of your Enemies. *Bologna* was revolted; so that when you 'went from *Ferrara* to *Florence*, you was oblig'd to go a great Way 'round about, through the Territories of *Ravenna* and *Forli*. It 'was during your Stay here, that *Bologna* and the other Cities re-'turn'd to their Duty, to which nothing contributed more than the 'Negociations of this Republick; by whose Mediation also *Braccio* 'made his Submission, and restor'd the Town which he had u-'surp'd. Here it was, that you had the Glory and Satisfaction of see-'ing the *Spanish* Cardinals come to recognise you; and here it was, 'properly speaking, that the Three Obediences were united in your 'Person. *John* XXIII. could never prevail with himself to go and 'make his Submission in any other Place but *Florence*, where he was 'safe, and had a great many Friends'. *Martin* being appeas'd, and wrought upon by this Speech, sent for the Magistrates of *Florence*, and thank'd them for their favourable Reception, and their good Offices. Among other Testimonies of his Gratitude, he made their Church a Metropolitan, and then set out for *Rome*.

SPAIN. THE Pope, as was observ'd, had sent the Cardinal of *Pisa* into *Spain*, with strong Letters of Recommendation to the King of *Arragon*, to engage *Benedict* to recognize the Council, and the Pope whom it had elected, in order to put a final Period to the Schism. This was a very intricate Commission. On the one hand, the King of *Arragon*, being disgusted with *Martin*, began again to abet *Peter de Luna*. This

This Monarch had given a very favourable Reception to the first Embassy from the Council and the Pope; but being afterwards displeased with the Pope, because he had no Regard to his Pretensions upon *Sicily*, he recall'd his Ambassadors from *Constance*, reproach'd them for having consented to the Election of *Martin*, to the Prejudice of the State, and even forbad them Access to his Person, and Entrance into his Dominions. At the same time he order'd the Prelates, whom he had sent to the Neighbourhood of *Peniscola*, to return back, on Pretence they had been there a long Time to no Purpose, and that it was an unwholsome Place for them to stay in. Moreover, he assembled the Cardinals, and some other Prelates who were with *Peter de Luna*, to consult about his Claim to the Pontificate, and upon the Validity of the Council of *Constance*, in Concert with the Cardinal *de Montaragon*. The Result of this Conference was, that they should continue in the Obedience of *Peter de Luna*, because it was a very great Doubt, whether *Martin* V. had been elected canonically. The Reasons they produced were, that the Assembly at *Constance* was not a Council, because there had been Errors committed in the Calling of it. That above eight hundred Prelates of Christendom were not at it, nor one third of the Patriarchs, Archbishops and Bishops. That *Peter de Luna* had not absolutely refus'd the Method of Resignation, but that he had declin'd to make it at *Constance*, because he could not think himself safe there; and that as he had proposed several other Places, he ought not to be deem'd a Schismatick, much less a Heretick, and by consequence the Deposing of him was null and void. The King enter'd into these Reasons. In the mean time, before *Martin* quitted *Constance*, he sent a Clergyman of Distinction to him, to renew a certain Negociation with him (1). The King, on his Part, demanded Satisfaction for the Charges which he and his Father had been put to for the Union of the Church. The Pope demanded on the other hand, that the King should secure the Person of *Peter de Luna*, but offer'd him no other Amends than the City and Castle of *Peniscola*, and what he could get by the Spoils of *Peter de Luna* in certain Forms (2). The King, in order to amuse *Martin* V, and at the same time to save *Peter de Luna*, made Answer, that he would take great Care of *Peniscola*, and that *Peter de Luna* should be his Prisoner there for Life, and accordingly he was confin'd there till he dy'd.

1418.

(1) *Embio el Rey a Constancia un Procurador gran Curial que se llamava Jorge de Ornos, i. e.* The King sent to *Constance* an Attorney of the Great Court of Justice, who was call'd *George de Ornos*. *Spond. Annal. Arrag. Lib.* XII. *Cap.* LXVII. *Pag.* 132. *Vers.*

(2) *Y el despojo de Don Pedro de Luna en cierta forma.*

MEAN

1418. MEAN time the Legate continued at *Saragoſſa*, the capital City of *Arragon*, treating with the King who was at *Fragues* (1), and iſſuing out Fuiminations againſt *Peter de Luna*. The *Arragoneſe* Hiſtorian, from whom we have theſe Particulars, tells us alſo, that *Peter de Luna*'s Party ſpread a Report, that this Legate cauſed Poiſon to be adminiſter'd to him, by one *Thomas*, a Frier, who was *Peter de Luna*'s Confident. But, as *Henry de Sponde* (*a*) obſerves, could any Poiſon be more mortal to *Peter de Luna*, than the Age of Ninety Years? Be this as it will; if it be true that the Legate caus'd *Peter de Luna* to be poiſon'd, he was diſappointed in his Attempt, becauſe this Anti-Pope out-liv'd him (2). And it is equally probable, that *Benedict* offer'd to poiſon the Legate, which was alſo reported, becauſe the latter dy'd ſoon after he return'd from his Embaſſy. This I leave to the Reader's Judgment. The King however did not totally break with *Martin* V. He actually ſent two Ambaſſadors to the Court of *Rome*; one was *Dom d'Almao de Mur*, Biſhop of *Girona*, a Perſon of illuſtrious Birth, and related to the Grandees of *Catalonia*. The other was *Gonſal Garcia de St. Mary*. They were to make Inſtances to the Pope to obtain the Caſtles of *Monçon* (3), and *Peniſcola*, of the See of *Rome*. *Don Pedro de Cagarrida*, Archbiſhop of *Tarragona*, dying about this Time, the King demanded of Pope *Martin*, that the Biſhop of *Siguenca* might be promoted to that Archbiſhoprick, and that *Gonſal Garcia* might have the Biſhoprick of *Siguenca*. I only obſerve this, to ſhew, that if the King of *Arragon* protected *Peter de Luna*, he nevertheleſs recogniſ'd *Martin*, being at every Turn ready to abandon him, and to turn to *Benedict* again, as ſuited beſt with his Intereſts.

(*a*) *Spond. Ann.* 1424. Num. iii.

FRANCE. *FRANCE* was a greater Prey than ever to the Factions which had for a long time diſtracted it. 'Tis true that *Martin* V's Cardinals had negociated a Treaty at *Montereau Faut-Yonne*, by which the Duke of *Burgundy* and the *Dauphin* were to ſhare the Government of the Kingdom between them, and that the ſaid Treaty was actually ratify'd by the Queen and the Duke of *Burgundy*. But the *Armagnacs* refuſing their Conſent to it, the Civil War broke out again. The *Burgundians* return'd to *Paris*, where they committed horrid Cruelties. Among other Diſorders, they dragg'd the Archbiſhops of *Rheims* and *Tours*, the Biſhops of *Laon* and *Liſieux*, *Autun*, *Senlis* and *Coutance*, to Priſon; and ſome Days after, theſe Prelates

(1) A Town with a Caſtle near *Lerida*.

(2) *Fue coſa muy publica y divulgada por los que eran devotos de Don Pedro de Luna, que eſtando el Legado en Saragoſa procuro ſe le dieſſe veneno, conque murieſſe: Y aunque ſe le dio bivis algunos anos; y el Legado fallecio antes. Surita ubi ſup.* Cap. LXX. See alſo the General Hiſtory of *Spain*, Tom. III. p. 500.

(3) A little fortify'd Town in *Arragon*.

were maſſacred, with a great many Noblemen and other Perſons of Diſtinction, among whom was the Count *d'Armagnac*, Head of his Faction. *England* did not fail to make its Advantage of all theſe Diſturbances. Indeed, the Cardinal *des Urſins*, according to an Order from the Pope, went to *Henry* V, in hopes to perſuade him to Peace upon reaſonable Terms. But the Engliſh Monarch, who was already Maſter of *Lower Normandy*, and ſome Places in *Upper Normandy*, gave the Legate this haughty Anſwer, *Don't you ſee, that God has led me hither, as it were, by the Hand? There is now no King in* France; *I have a legal Title to this Kingdom, where every thing is in ſuch Confuſion that the People don't think of ſtanding out againſt me: Can I have a plainer Token that God, who diſpoſeth of Crowns, has reſolv'd to place that of* France *upon my Head?* (*a*) He actually laid Siege to *Roan*; and this City, after having ſuffer'd a long Siege, during which the Beſieged eat *Horſes*, *Dogs*, *Cats* and *Rats*, ſurrender'd at length by Capitulation for Want of the promiſed Succours. In the Hiſtory of the Univerſity of *Paris*, we find the Anſwer of that Univerſity to ſeveral Letters which the People of *Roan* wrote to them, to ſollicite the Court for Succours. It was drawn up in theſe Terms. 1418.

(*a*) *Daniel's* Hiſt. of *France*, T. III. p. 895.

'Moſt Dear and great Friends, We have receiv'd ſeveral Letters 'from you, all tending to this end: That we would ſollicite and exhort the King and his Council, and the Duke of *Burgundy*, to ſuccour the good City of *Roan* againſt the Enemies of this Kingdom: Whereupon know ye, that we with all our Hearts deſire the Welfare, Safety, and Preſervation of the Government of the King our Soveraign Lord and his Subjects. And we know very well, that by throwing Succours into the Town the Country of *Normandy* may be recover'd, and that to ſuffer it to be loſt would be the Deſtruction of all that Country without any Hopes of Recovery, and endanger all the Inhabitants of the Kingdom. After your Letters came to hand, we did ſeveral times repreſent and let forth your Caſe and Neceſſity to the King our ſaid Lord, and his Council, and to the Duke of *Burgundy*, in the beſt and moſt affectionate manner that we could, by certain Maſters of Art remarkably well affected, particularly the Miniſter of St. *Mathurin*, *M. Peter aux Bœufs*, *M. Thaſſe de Pavilly*, and laſtly by the Almoner of *Feſcham* and many others, who have ſtrenuouſly urged the Dangers and Inconveniences abovementioned, if your Town be not reliev'd. And we always had a good and gracious Anſwer. And certain Soldiers were actually put in Arms to go againſt the ſaid Enemy, and to bring you Relief and Aſſiſtance, as well with regard to the Siege undertaken by the *Engliſh*, as the providing for the Town of *Caudebec*. And we now believe, that had it not been for other Obſtacles and great Troubles, which you may

1418 'may very well judge of, conſidering the Diviſions that are in this 'Kingdom, the King would have ſent you greater and more ſpeedy 'Relief. But altho' Things are delay'd by reaſon of the Difficul- 'ties which ſtill ſubſiſt, yet we have good and firm Hopes. For 'we have found by Experience, that notwithſtanding the Duke of '*Burgundy*'s Dilatorineſs in his Affairs and Undertakings, yet he al- 'ways brings his Deſign to paſs. Wherefore we firmly hope, that 'at laſt he will not let you fall into the Hands of the King's and 'your Adverſaries: And that, moſt dear and great Friends, you 'will ſtill hold out againſt the ſaid Enemies, and take care of your 'Perſons, Wives and Children, of your City, which will be loſt and 'undone if it be taken by the ſaid Enemies, which God forbid; 'and that you will alſo take care of the King's Government, for the 'Defence of which you have hitherto exerted yourſelves like true 'and loyal Subjects. And God, who never leaves thoſe that put 'their Truſt and Hopes in him, will comfort and preſerve you in 'your good and juſt Quarrel, and the King and the Duke of *Bur-* 'gundy alſo will, if it pleaſe God, provide ſuch Remedy as ſhall be 'to your great Conſolation. And we with all our Power ſhall al- 'ways move and ſollicite the Thing, till by the Bleſſing of God it 'comes to a good Iſſue, and great will be your Glory and Praiſe in 'the Sight of God and Man for the good Conſtancy and Fidelity 'which you ſhew to the King and Government; ſo that he will, and 'ought to be inclin'd to reward your Labours and Toils with Fran- 'chiſes, Privileges and other Honours, to perpetuate the Memory 'of your Valour and Loyalty. May the bleſſed Holy Spirit take 'you into his ſacred Protection, and give you Strength and Valour 'to reſiſt your Adverſaries. Dated at *Paris* in our General Con- 'gregation at *St. Mathurin*, the Day of *September* (*b*).

(*b*) *Bulay's* Hiſt. of the Univerſity of *Paris*, T. V. p. 334.

THE Univerſity of *Paris* cou'd not expect to have Intereſt enough at the Court of *France* to obtain Succours for the City of *Roan* againſt the *Engliſh*, at a Time when their Ally, the Duke of *Burgundy*, had reſum'd his Power in the Kingdom and at the Court. The Univerſity had the Mortification alſo to be obliged to cancel every thing in their Regiſters, that had been paſs'd againſt the Duke of *Burgundy*. *Gerard de Montaigu*, Biſhop of *Paris*, was alſo compell'd to revoke the Sentence of Excommunication, which he had formerly iſſued againſt the ſeditious Propoſition of *John Petit* ſo often mention'd. The Duke of *Burgundy* did much more: For in the Parliament of *Paris* he ſollicited the Revocation of the King's Letters, and of the Parliament's Arret, againſt the Annates and the Apoſtolical Reſervations. The Perſons deputed to the Parliament upon this Affair, explain'd themſelves thus by Order of the King. *And moreover, 'tis the King's Pleaſure, that the Ordinance, concerning*

*the reducing of the Church to its Liberties, be revok'd, and that the Revocation thereof made in his Council, and the Writs iſſued thereupon, which were by him preſented to the Pope and very favourably receiv'd, be publiſh'd, obſerv'd and executed.* Mean time the King's Attorney oppoſing the ſaid Revocation, the Affair was put off to another Seſſion. The Attorney repreſented, that ſome Perſons, for their own private Advantage, propos'd the Revocation and Aboliſhing of the Conſtitutions, Ordinances and Arrets, touching the Liberties of the Church of *France*, and the Dauphinate of *Vienne*, *which were and are juſt and reaſonable, made after very great and mature Deliberation, and ſeveral times confirm'd and approv'd.* Upon this, the Preſidents and Counſellors of the Chamber of Inqueſts, who came to the Parliament Chamber to confer upon this Affair, requiring the Chancellor to aſſiſt the Court for avoiding the Deſolation of the Church and the whole Kingdom; the Chancellor made Anſwer to it, That 'indeed 'he had recogniſed and ſealed the ſaid Letters of Revocation, and 'that he had deliver'd them to the Biſhops of *Langres* and *Bayeux*, 'the King's Ambaſſadors, to preſent them to the Pope, to whom 'they had preſented and delivered them without any Condition: 'But the Chancellor ſaid, he had deliver'd them to the ſaid Ambaſ'ſadors to deliver them to the Pope, in caſe that he would come 'to reſide at *Avignon*, and not otherwiſe; and that the ſaid Ambaſſa'dors had ſworn the ſame, and likewiſe affirm'd it in the Chamber 'of Accompts, as had been certify'd by the Provoſt of *Paris* in the 'Chamber of the Parliament. And by this it appears, that the ſaid 'Ambaſſadors have not obſerv'd the aforeſaid Condition by them 'ſworn. Furthermore, it was publickly ſaid, in the Preſence of the 'Chancellor, and of all the Audience, that all, who for Affection or 'private Advantage, had ſollicited ſo much Detriment to the Common 'Cauſe, to the National Church, to the Confuſion, Deſolation, and 'total Deſtruction of the Churches, contrary to all Right, and con'trary to good Manners, are unworthy of reſiding and holding Be'nefices in this Kingdom, and ought to be baniſh'd and turn'd out 'of it, when 'tis conſider'd what Damages and Inconveniences have 'happen'd in time paſt by means of ſuch ſort of People, who have 'aided, adviſed and conducted ſeveral Incroachments againſt the ſaid 'Liberties in this Kingdom'. This happen'd in the Beginning of the Year 1419, when the King's Attorney, in ſpite of the repeated Commands of his Majeſty, conſtantly oppos'd the Revocation of the Liberties of the *Gallican* Church. He alſo complain'd againſt the Cardinal *des Urſins*, who himſelf, or others for him, had, to the Prejudice of thoſe Liberties, demanded in the Chamber of Accompts, the Recording of certain Royal Letters Patent, whereby it was ſaid, the King was pleas'd to make over to the ſaid Cardinal the

1418.

1418. Temporalities of the Biſhoprick of *Chartres*, which he endeavour'd to hold in Commendam by a Grant from the Pope; and moreover, the King's Attorney ſaid, that he had formerly oppos'd it in the Chamber of Accompts, and did ſtill oppoſe it together with the Paſſing of certain Letters of Revocation, ſaid to be made and paſs'd by the King to the Prejudice of the ſaid Ordinances; and he miſtruſted, that 'notwithſtanding the ſaid Oppoſition, the Gentlemen of 'the ſaid Chamber of Accompts wou'd proceed to the Copying and 'Recording of the ſaid Grant made to the ſaid *Urſins*; and there-'fore, as formerly, he did now require the Aid and Aſſiſtance of 'the Court; and that the ſaid Court wou'd ſee the ſaid Ordinances 'ſupported, and forbid the ſaid Gentlemen of the Chamber of Ac-'compts to make any Innovation contradictory or prejudicial to the 'Oppoſition of the King's ſaid Attorney, when they proceeded to 'the Recording and Copying of the ſaid Temporalities or other-'wiſe: And the Preſidents and Counſellors of the Chamber of In-'queſts being call'd hereupon, it was reſolv'd and concluded, that the 'Court ought to be very ſtrict in cauſing the ſaid Ordinances to be 'obſerv'd and maintain'd without Infringement, and ought to for-'bid the ſaid Gentlemen of the Chamber of Accompts to make any 'Attempt or Innovation, in Contradiction, or to the Prejudice of 'the ſaid Oppoſition (*a*).

(*a*) Hiſt. of the Univerſity of *Paris*, *ubi ſup.* p. 538, 539.

MEAN time, as the Cardinal of *Urſins* was Legate from the Pope to treat of the Peace between the *French* and the *Engliſh*, the Court, for fear he ſhould be vex'd at what paſs'd, order'd the Chamber of Accompts to be ſent for into the Parliament Chamber, to return the moſt civil Anſwers that could be upon that Subject to the Cardinal; but I don't find for all this, that the Affair was determin'd that Bout.

*ENGLAND.*

*ENGLAND* had as much Cauſe as *France* to be out of Humour with *Martin* V. His Concordate with *England* amounted to little or nothing. Moreover, it was obſerv'd, that as ſoon as he was elected Pope, he follow'd the Steps of his Anceſtors, and was every whit as great a Plague to the *Engliſh* as they had been. The Parliament had ſeveral Years ago made a Law, intitled, the Statute of *Præmunire*, forbidding *all Application to the Court of* Rome *for Things contrary to the Prerogatives of the Crown and the Rights of the Nation* (*b*). From the Beginning of the Schiſm in 1378. to the Council of *Conſtance*, wherein an End was put to it, the Popes ſeem'd to connive at a Law ſo contrary to their Intereſts. But, as *M. Rapin* obſerves, *Martin* V. *did not look upon this Affair with the ſame Indifference.* What paſs'd upon that Head, till the Year 1429, we know not. All that can be ſaid is, that the Pope found a vigorous Antagoniſt in *Henry Chichley*, Archbiſhop of *Canterbury*; to whom he ſent

(*b*) *Rapin's* Hiſt. of *England*, T. IV. p. 647.

1418.

sent a *thundering Letter, reproaching him for his Negligence in that Matter, and commanding him to leave no Stone unturn'd for the repealing of that Law.* *M. Rapin* has given us a Part of the Letter, of which I will here make an Abstract, with the same View as that illustrious Historian, viz. *to shew what were the Sentiments of this Pope with regard to the pretended Privileges of his See*; besides that perhaps I could not so conveniently give it a Place elsewhere. 1. After the Pope has cast as bitter Reproaches upon the Archbishop for his Neglect to support the Interests of the See of *Rome*, as if the Interests of God himself, and the Salvation of the Catholick Church, were at Stake, he comes to the Statute of *Præmunire*, and affirms that 'tis not a Law, because it revokes the Laws of God and the Church. 2. He complains, that by virtue of this *execrable Statute* the King of *England* has got Possession of the spiritual Jurisdiction, and that he governs Ecclesiastical Affairs as absolutely as if our Saviour had appointed him his Vicar. 3. He affirms, that the *Romish* Clergy are treated in *England* with more Severity than the *Turks* and *Jews*. 'There is no Man, *says he*, of any Nation or Persuasion whatsoever, 'but has the Liberty of coming into *England*, unless they are such to 'whom the Vicar of Jesus Christ has given Cures: Nay, these, I say 'are banish'd, seiz'd, imprison'd, stripp'd of their Livings. If any 'Member of the Ecclesiastical Order, with Mandates and Censures 'about him from the See of *Rome*, does but set his Foot in *England*, and offer to execute his Commission, he is treated as an Enemy, excluded from the King's Protection, and moreover, expos'd 'to Punishments that are still more severe. After a long and sharp 'Reprimand, *Martin* charges the Archbishop, on Pain of Excommunication, to go forthwith and press the Council to take care that 'the Statute of *Præmunire* may be repeal'd, to apply himself to the 'Two Houses of Parliament, and to give them to understand, that 'all who obey'd that Statute were in the Bonds of Excommunication. 'Moreover, he commanded him to give his Orders for the Clergy 'to preach up the same Doctrine publickly, and in all Places; to [illegible] 'take two grave Persons with him to be Witnesses of his Diligence, [illegible] 'and to let him know what would be done in this Affair (*a*).

THOUGH *Sigismund* had well nigh finish'd the principal Affairs of *Germany* at *Constance*, yet it was natural for such Broils to thrust up every now and then between so many Princes of such differing Interests. This it was that engaged the Elector of *Mentz* to procure a strict Union among the Princes of the *Rhine*, as a Matter of great Influence to the Peace of the greatest Part of *Germany*. Therefore he so managed it, that *Werner* the Elector of *Triers*, *Frederick* Elector of *Cologne*, *Lewis* Elector *Palatine*, and *Reinhard* Duke of *Ju-*

1418. and *Guelderland*, met together at *Coblentz*, where they swore to unite with each other for Life, to stand by one another, and to accommodate their Differences amicably, when any should arise. He took care also to reconcile the *Palatine* Princes, *Lewis* and *Otho*, who had a Quarrel about some Domains. The same Archbishop also regulated some Affairs, which related to the *Benedictins* of *Mentz*. We have observ'd, that in 1417. a Provincial Chapter of *Benedictins* assembled at *Petershausen*, in which some Rules were made for the Reformation of that Order. Another was held the Year following at *Mentz*, of which the Abbat *Trithemius* speaks in these Terms. 'In 'the Year 1418, a second Provincial Chapter of our Order was ce- 'lebrated at *Mentz*. The Presidents were the Abbats *de Fulda*, of '*Kempten* (in *Swabia*) of *St. Ulric* of *Augsbourg*, and of *Reynhartz-* 'bourn, who had been nominated to that Office in the Council of 'Constance. It was to have assembled in the Monastery of *St. Alban*; 'but as the *Benedictins* of that Convent, who were unwilling to ac- 'cept the Reformation proposed at *Constance*, demanded to be secu- 'laris'd, in order for their being made Canons, they assembled at 'the Convent of the *Augustins*. The Abbat of this Monastery, 'whose Name was *Bernard*, having made great Complaints against 'the Licentiousness of those Monks, Visitors (*Visitatores*) were appoint- 'ed to restrain them by Ecclesiastical Censure. The Visitors went to 'the Monastery, but were never the better, being only deceiv'd by 'the fair Promises of the Monks, which vanish'd into Smoke after 'their Departure' (*a*). The next Year (*b*), the *Benedictins* of *St. Alban's* at *Mentz* were secularis'd by the Archbishop, and by *John de Fleckenstein*, Bishop of *Worms*. Some Weeks after this, died (*c*) *John de Nassau*, Archbishop of *Mentz*, at *Aschaffenbourg*, from whence his Remains were translated to his Cathedral.

(*a*) *De Reb. Mogunt.* T. I. p. 733. *Francfort Edit.* 1722.

(*b*) The 16th of *August.*

(*c*) *Sept.* 23.

THE History of that Time shews, that the rest of *Germany* was very much disturb'd by Wars and Tumults. The Quarrel between the Dukes of *Bavaria* being not adjusted at *Constance*, those Princes were still at Variance. *Lewis* of *Ingoldstat*, as has been observ'd, not being able to obtain Justice of the Pope against his Cousin *Henry de Landshut*, slipp'd no Opportunity of doing himself Justice, and filled *Bavaria* with Slaughter, Massacres and Rapine. However, History says, without specifying the Year, that this Affair was afterwards accommodated by the Emperor. We may read in the *Wandalia* of *Albert Krantz*, the Troubles with which the North of *Germany* was disturb'd. There is Mention of a horrible Riot which happen'd in 1418, at *Breslau*, where the Citizens threw their Magistrates out of the Windows of the Town-house. The Historian, who has wrote the War of the *Hussites*, speaking of this Riot, ascribes it in part to

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the *Huſſites* (1). Yet they are not charged with it by other Hiſtorians whom I have conſulted. *Balbinus* ſays, that the *Huſſites* of *Breſlau* were guilty of a Riot of this nature before thoſe of *Prague* (2); but he does not ſay, that *Huſſitiſm* had any Share in it; nor can it be inferr'd that it had, but by very remote Conſequences. *Albert Krantz* aſcribes it to quite another Cauſe. 'The City of *Breſlau* (ſays 'he) rebell'd at that time (1418.) furiouſly againſt its Magiſtrates. 'They had brought the City very deep in Debt, either for Fortifications or other reaſonable Cauſes, of which the People being 'made ſenſible, they ſeditiouſly depos'd the Magiſtrates, accuſing 'them of having appropriated the publick Money to their own private Intereſts, and created a new Magiſtracy, which was to have 'the Government but one Year, under pretence that a Council for 'Life was but a Tyranny under the Aſhes, which wou'd blaze out 'in Time to the great Prejudice of the State. The new Conſuls 'finding that the Debts were legally contracted by their Predeceſſors, and that the City could not diſcharge itſelf thereof but by a 'Poll-Tax, propos'd it to the People, who did not reliſh it by any 'means; for the Populace in a Rage murder'd them all without 'Mercy'. About two Years after, *Sigiſmond* revenged this Violence.

1418.

*Wandalia*, Lib. X. cap xxviii. p. 241, 242.

WE have ſeen what was the deplorable State of Affairs in *Bohemia*, after the Execution of *John Hus* and *Jerome* of *Prague*, and we have a more ample View of it in the Hiſtory of the *Huſſites* War. I ſhall only obſerve here, that *John Dominic*, Cardinal of *Raguſa*, who had been ſent thither by *Martin* V, inſtead of going gently to work, began with Acts of Violence. Hiſtory ſays, that at *Slany*, a Royal Town of *Bohemia*, ſome Leagues from *Prague*, he did an Act of Violence which exaſperated the *Huſſites* againſt him to the laſt degree. He went to a Church of that City, where was a Coffer, or Cheſt (3), upon the Altar, which he tumbled

*BOHEMIA.*

(1) Ex eoque ſequentis horrendæ ſeditionis anſam arripere, idemque in Sileſia Beatiſlaviæ quidam Huſſii doctrinam amantes, facere, metuentes ne apud ſe quoque ſubita ſeveraque Decreti quædam executio ſuſcitaretur, atque licet alias de cauſis ſeditionem in Senatum conciture, propter quam an 1420. In p. Sigiſmundo pœnas dare *The bald Bell. Huſſi, Cap* XXIX. This Author is miſtaken, when he ſays, that the Riot at *Breſlau* happened in conſequence of that of *Prague*, becauſe the former happen'd in 1418, and the latter not till 1419. *Balb. Epit. Rer. Boh. p.* 432.

(2) Præluxerunt Pragenſibus ad tam atrox facinus Wratiſlavienſes qui anno ſuperiore 1418, ad 15 Kalend ſextiles a conſurrectione populi facta, Senatum contrucidarunt. *Balb ubi ſup.* We will ſpeak of the Affair of *Prague* in the Hiſtory of the War of the *Huſſites*.

(3) This probably was a Cheſt containing the Chalices which were made uſe of for adminiſtering the Wine in the Sacrament. *Conradi Archiepiſcopi ope prid Id*

1418. tumbled upon the Ground, and enjoin'd Divine Service to be perform'd according to the Order of the Council of *Conſtance*. They add, that in this very Place he caus'd a Preacher and a Lay-man to be burnt, being aſſiſted in it by the Archbiſhop *Conrad*, who was ſtill a Catholick, at leaſt in Appearance. After that Time, nothing was to be heard but Lampoons, Ballads, Invectives and Inſults upon the Legate, together with Menaces to kill him if he did not immediately get off. Accordingly he thought it his beſt way to be gone, after having written to the Pope as he had done to the Emperor, that the Tongue and the Pen were Weapons of no Avail againſt the *Huſſites*, and that nothing wou'd do but Force of military Arms (1). The Legate, at his Return from *Bohemia*, accompany'd the Emperor into *Hungary*, where *Huſſitiſm* had made its Entrance. They ſay, that he was more ſucceſsful in this Kingdom than in the other, and that he extirpated *Huſſitiſm* out of the Country. After having travell'd thro' this Kingdom, accompany'd with his Preachers, he return'd to *Buda*, where he immediately halted, and died on the 10th of *June*, 1410 (2).

POLAND. FREQUENT Mention has been made in this Hiſtory, of *John de Falckenberg*'s defamatory Libel againſt the King and Subjects of *Poland*. His *Poliſh* Majeſty being at *Gneſna* this Year 1418, where he had aſſembled a great number of Prelates and Barons of the Kingdom, caus'd this Libel, which was tranſlated into the *Poliſh* Tongue, to be read in full Aſſembly, that they might conſult whether any thing was neceſſary for the Honour of the King and Kingdom to be added to what his Ambaſſadors had already done againſt this Libel at *Conſtance*. After it was read, the King was adviſed to take no Cogniſance of a Piece ſo falſe, impertinent, and abounding with Errors: a Libel which had moreover been condemn'd by the Catholick Church, and whoſe Author was a Scoundrel, that had ſuffer'd due Chaſtiſement for his Folly: To which it was added, that if the King was inclinable to do any thing more, he need only ſet ſome Monk upon *Falckenberg* as impudent as he, and let them write againſt one another what they pleas'd. There were ſeveral fruitleſs Conferences this Year to reconcile the *Poles* and the Knights of *Pruſſia*, which latter, if we

*humiliavam, quæ ſupra aram in regia urbe Slana erat, dejecere, novam Reformationem ex decret Concilii inſtituere, & Eccleſiaſtem quendam una cum Privato quodam exurendum curare*, Theobald ubi ſup Cap. XXIX. p. 68 I would not have quoted a Proteſtant Author upon a Fact of this nature, if the Jeſuit *Balbinus* had not reproach'd more than once for his Fidelity.

(1) *Legatus e Bohemia rediens ſcripſit ad Papam, non calamis amplius & linguis, ſed manibus & armis opus eſſe.* Bohuſl. Balbin. Epit Rer Bohem p. 432 Georg. Joſ. Eggſ. Purpur. Doct. Lib. II. p. 508, 509.

(2) As to this Cardinal, ſee the Hiſtory of the Council of *Piſa*, *Tom.* I. p. 195, 196.

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may believe the *Poliſh* Hiſtorian, had no other View in meeting the former at the Places of Rendezvous, but to watch an Opportunity of ſeizing the King's Perſon (a). 1418.

(a) Hiſtory of Poland, Lib. XI. p. 304.

*SIGISMOND*, according to the Report of *Dacher* and *Reichenthal*, would have ſtaid longer at *Conſtance* to ſettle divers Affairs there, if the Pope had been inclin'd to have ſtaid with him, as he had earneſtly deſired him; but when the Pope was gone, the Emperor went away too with his whole Court, and took the Road of *Strasbourg*. From that City he went to viſit the other Imperial Cities of *Alſace*, as *Colmar*, *Schelſtat*, &c. From thence he went to *Ulm*, *Oettingen*, *Ratisbon* and *Paſſau*, in his Way to *Hungary*.

HUNGARY.

THE Hiſtorian of *Hungary* ſays, that every body blam'd him for making this Tour, inſtead of haſtening to the Relief of *Bohemia*, which was threaten'd with utter Ruin by its inteſtine Wars. *If he had march'd*, ſays he, *at the Head of a good Army before the Hereticks had had time to fortify themſelves, he would have ſav'd* Germany *from a general Conflagration*; *whereas by going to attack the* Turk *he loſt* Bohemia *without being able to defend* Hungary, *becauſe it was too late* (b). Yet *Windeck*, his Privy Counſellor, ſays, that it was *Sigiſmond*'s Deſign to have gone directly to *Bohemia*, but that he was diverted from it by his Council, who thought the Enterpriſe too dangerous. We ſhall ſee in the Hiſtory of the *Huſſites* War, that this was not bad Advice. Be it as it will, we find in *Rymer*'s *Fœdera*, a Letter from *Sigiſmond* to the Elector *Palatine*, whereby it appears, that he was fluctuating between various Counſels. The Contents of the Letter are theſe. 1. He ſets before the Elector, whom he calls his Uncle (1), the Expence he has laid out, the Toils he has undergone, the Hazards and Perils he has run through, both for the Union of the Church, and for the Advantage and Honour of the Empire. 2. He acquaints the Elector, that he has been obliged to make a League with the King of *England* againſt the *French*, in order to recover out of their Hands the Cities, Caſtles, Lands and Men, that they have for a long time uſurp'd from the Empire. 3. He acquaints him, that he is reſolv'd to go forthwith to *Bohemia*, to confer with his dear Brother King *Wenceſlaus*, in order to concert Meaſures with him for the Extirpation of *Hereſy*. 4. That he deſigns to raiſe Troops in *Hungary*, *Bohemia* and *Germany*, to join the King of *England*'s Army in *France*, in order by his Aſſiſtance to recover what the *French* have taken from the Empire; 5, and laſtly,

(b) Æneas Sylvius de Reb. Hung. Dec. III. Lib. II. p. 2[illegible].

(1) Magnifice, dilecte Avunculo, & Princeps Electror.

1418. He deſires him to repair to *Treves* in a Fortnight's Time with the other Electors, in order to conſider of Methods for putting all theſe Deſigns in Execution. The Letter is dated at *Haguenau* the 13th of *July*, 1418. In the ſame publick Acts of *England*, there are ſeveral Pieces relating to the Emperor's Diſputes with the Elector *Palatine*, but they don't relate to this Hiſtory.

*The End of the* SIXTH BOOK.

THE

THE

# HISTORY

OF THE

# COUNCIL of *CONSTANCE.*

## BOOK VII.

### The CONTENTS.

I. *The Deſign of this Book.* II. *The Ambition of the Popes.* III. *Their Imprudence.* IV. John de Heſſe's *Treatiſe concerning the Reformation.* V. *A general Zeal for the Reformation.* VI. *A Satyr upon the Court of* Rome. VII. France *withdraws from the Obedience of* Benedict. VIII. *A Sermon upon the Reformation.* IX. *The Treatiſes of ſeveral* Engliſh *Authors upon the ſame Subject.* X. *The Reformation deſired in* Italy *and* Spain. XI. *The Regulations made by* Alexander V. *for the Reformation.* XII. *New Complaints after the Council of* Piſa. XIII. Clemangis's *Tract concerning the Reformation.* XIV. Gerſon's *Tracts upon the ſame Subject.* XV. *A Treatiſe of* Peter d'Ailli *upon the ſame Subject.* XVI. *A Treatiſe of* Theodoric Vrie *touching the Reformation.* XVII. Zabarella's *Advice for the Reformation.* XVIII. Gerſon's *Sentiment upon Excommunication.* XIX. *The Cardinal* de Piſa's *Memorial concerning the Reformation.* XX. John XXIII. *evades the Reformation.* XXI. *The College for Reformation.* XXII. *The Dilatorineſs*

*of the Commiſſioners for the Reformation.* XXIII. *Several Aſſemblies of the Reforming College.* XXIV. *Complaints of the* Germans *againſt the Slowneſs of the Reformation.* XXV. *The Speech of the Archbiſhop of* Genoa *concerning the Reformation.* XXVI. *The Articles of the Reformation agreed upon in the Reforming College, and imperfectly executed by the Pope.* XXVII. *Reſolutions of the Reforming College.* XXVIII. *Of Councils.* XXIX. *Of Popes: That they ought to give Judgment upon nothing of Importance, without the Advice of the Cardinals; or even, in ſome Caſes, without the Approbation of an Oecumenical Council.* XXX. *In what Caſes a Pope may be try'd and depos'd.* XXXI. *Reſervations aboliſh'd.* XXXII. *Rules concerning the Pope's Diſpenſations.* XXXIII. *A Prohibition to the Popes to ſtop the Courſe of Juſtice.* XXXIV. *To impoſe the Tenths, without the Authority of a General Council.* XXXV. *Exemptions prohibited.* XXXVI. *Unions of Churches ſince the Schiſm, repeal'd.* XXXVII. *Tranſlations prohibited.* XXXVIII. *Caſes reſerv'd.* XXXIX. *Of Cardinals.* XL. *Officers of the Chancery and Apoſtolical Chamber.* XLI. *Regulation againſt Simony.* XLII. *Reformation of the Prelates.* XLIII. *Regulation concerning Elections.* XLIV. *Concerning the Capacity of Prelates.* XLV. *Concerning Reſidence.* XLVI. *The Clergy are required to receive the Orders.* XLVII. *Simony prohibited to the Prieſts.* XLVIII. *The Juriſdiction of the Biſhops.* XLIX. *Order, Subordination, and a good Underſtanding recommended among the Prelates.* L. *An Order to the Prelates to grant ſpeedily, and without much Expence, the Ratification of the Apoſtolical Letters.* LI. *Of the Manners of the Clergy.* LII. *Fornicating Prieſts condemn'd.* LIII. *Several Regulations concerning the Clergy.* LIV. *Of Canons.* LV. *Of Monks.* LVI. *Of Nuns.* LVII. *Rules for the Laity.* LVIII. *The Calendar reform'd.* LIX. *Conſecration of Chappels and Altars.* LX. *Maſſes.* LXI. *Canon of the Maſs.* LXII. *The Abuſe of Holidays prohibited.* LXIII. *A Prohibition to expoſe Relicks in publick.* LXIV. *Mendicants ſuppreſs'd.* LXV. *A Regulation touching the Jews.* LXVI. *Concluſion of this Hiſtory.*

The




# The HISTORY of the COUNCIL of CONSTANCE.

## BOOK VII.

I. IT wou'd be very little to the purpoſe here to give an ample and particular Account how much need the Church had then of being reform'd in all Reſpects. Do but read the *Eccleſiaſtical Authors* of that Time, and open the Book any where, you'll find Complaints and Lamentations upon the general Corruption of the Clergy. *Peter d'Ailli*, the Cardinal of *Cambray*, who was one of the great Luminaries of the XVth Century, and who beſides has writ with more Moderation than moſt of his Cotemporaries, declares it was the (1) common Saying at that

The Deſign of this Book

(1) Adeo ut jam horrendum quorundam Proverbium ſit, ad hunc ſtatum veniſſe Eccleſiam, ut non ſit digna regi niſi per reprobos *Alliac. Canon. Reform. ap. V. d. Hardt*, T. I. p. 424, 425.

Time, *That the Church was come to such a pass, that the Government of it was only fit for Reprobates.* As the Source of this Corruption was in the Clergy, it was but just to begin the Reformation by the Pope, by the Court of *Rome*, by the Cardinals and the Prelates, and to conclude with all the inferior Clergy, Secular and Regular (1), in which are also included the Military Orders or Knights, and the Monastick Orders. This is what was call'd, *The Reformation of the Church in its Head and Members*, as I have already said in this History. But having only given a very succinct Account of it, and by piece-meal just as Occasion offer'd in the Course of the Narrative, I have design'd this last Book to give the Subject its due Scope; and to the end that the Reader may be the better acquainted with it, I shall trace it higher than the Council of *Constance*.

The Ambition of the Popes.

II. THE Authority of the Popes, Cardinals, and the dignify'd Clergy had already for many Ages degenerated into a Tyranny insupportable by all Mankind. To the end that they might be able to support the State which their Ambition had prompted them to assume, notwithstanding the Engagements of their Character, they laid on Exactions which were burdensome both to the Princes and People. They had found out the Secret of putting all *Europe* under Contribution, on pretence of some Grants from the Emperors and Christian Princes, some of which were entirely fictitious (2), and others had been extorted, or gain'd surreptitiously. Forasmuch as they assum'd to themselves an universal and soveraign Jurisdiction over all the Christian World, they pretended a Power to dispose, as they pleas'd, not only of Spiritualities and all Ecclesiastical Benefices, but also of the Temporalities of Kings and Princes, when they did not find them favourable to their vast Ambition. By an enormous Abuse of the Ecclesiastical Authority, the Offices of the Church were put up to Auction, Simony had pass'd not only into a Custom, but a Law, and, in the room of the Canons of the ancient Discipline, was substituted I know not what *Canon Law*, which the Popes explain'd as they pleas'd, and of which they pretended to be the arbitrary Interpreters. The Government of the Churches was committed to Pastors without Learning, and without Virtue, who, like their Head, thought of nothing but to gratify their Avarice and Vanity at the Expence of the Lord's Flocks. The Laity were their Subjects, and not their Sheep. Violence and Caballing having assum'd the Place

See *Jerome a Costa*, p. 166.

(1) *Item maximè opus esset ad obviandum insultibus infidelium, ut reformarentur Religiones militares, & ad servandum fidem, mores & Patrum regulas, & ad priores Institutiones cogerentur ubi supra.*

(2) Witness *Constantine*'s Grant, the Forgery of which was detected by *Laurence Valla* in the XVth Century.

of

of the ancient Liberty in the Election of the Soveraign Pontiffs, the ſaid Dignity was given to him that had moſt Creatures at his Devotion, and not to him that had the greateſt Share of Learning and Paſtoral Virtues. It had alſo happen'd for a long time, that inſtead of that Unity of the Head, which was eſteemed ſo eſſential to the Church, there were ſeveral Popes at one Time, who, inſtead of agreeing for the ſake of Peace, only laid their Heads together to embroil the Chriſtian Princes and States with one another, and to embrue all *Europe* with Blood by their cruel Factions. *See* Dupuy, p. 219.

III. THIS Behaviour of the Popes was every whit as weak as it was wicked, and hereby they diſcover'd as much Ignorance of their true Intereſts, as Treachery to the Church, of which they call'd themſelves the Monarchs. On the one hand, their inſatiable Avarice open'd the Eyes of moſt of the Temporal Princes, and engaged them to lay Hands on the Benefices in their reſpective Dominions, and to deprive the Popes of ſeveral Advantages which they reap'd from them before. On the other hand, all the Authors of that Time unanimouſly aſcrib'd the Alterations which happen'd in Religion in the XIVth, XVth, and finally in the XVIth Centuries, to the Schiſm of the Antipopes, to the enormous Exactions, Extravagancies and Irregularities of the Court of *Rome* and the Clergy; and 'tis paſt all doubt, that the Popes were no Gainers by thoſe Changes. When People depart ſo widely from the Goſpel, as the *Romiſh* Clergy did with regard to Diſcipline and Manners, 'tis very natural to ſuppoſe, that they may deviate as widely from it in Doctrine, and in Points which are of a more nice and delicate Nature, wherein 'tis much more eaſy to miſtake one thing for another. There is nothing more dangerous for thoſe who have any Direction whatſoever, than to give their Enemies an Advantage over them in Things which concern the publick Liberty, and bring their Authority in queſtion. If the Popes and Prelates of the Church of *Rome* had been more moderate in the Uſe of that Power and Authority which they were ſo innocently ſuffer'd to aſſume, perhaps they would not have been ſo much diſturb'd in the Poſſeſſion of ſeveral Opinions which ſerv'd to maintain that Authority; and 'tis highly probable, there would have been no Thoughts of reforming the Doctrine, if the Reformation of Diſcipline and Manners had not appear'd abſolutely neceſſary. This it was that ſtirr'd up the *Vaudois* and *Albigenſes*, in *France*; *Wickliff*, *Oldcaſtle* and the *Lollards*, in *England*; *John Hus* and *Jerome* of *Prague*, in *Bohemia*: This it was that made the *Flagellants* break off, in a ſort of Deſpair, with a Society that was all over corrupt, and fall into the cruel Frenzy of *Flagellation*, not to mention the great Revolution of the XVIth Century. The Imprudence of the Popes. *V. d. Hardt*, T. I. p. 282, 284. *See* Dupuy, p. 220. *See* Peter d'Ailly, *ap. V. d. Hardt*, T. I. p. 306, &c.

*Henry* of *Hesse*'s Tract concerning the Reformation

IV. AFTER the Schism, which happen'd in 1378, but especially after the terrible Exactions of *Boniface* IX, one of the Inventors of the Annates and other exorbitant Impositions, all Mankind thought seriously of shaking off the Yoke, or at least of diminishing the Weight of it by some Reformation; but because the Schism was look'd upon as the greatest Disorder that could possibly happen in the Church, the only Care at first was to unite it under one lawful Pope, own'd as such by all Mankind, to the end that he might assemble a General Council to apply to an effectual Reformation. Mean time several Doctors prepar'd the Matter, either by setting forth the Need there was of a Council, or by representing the Corruption of Manners and the general Overthrow of the Ecclesiastical Discipline, in order to engage the Christian Princes to provide a Remedy. One of the first Pieces that was publish'd after the Schism, concerning the Union and Reformation of the Church, was a *Counsel* (1) given in 1381. by *Henry* of *Hesse*, *alias de Langenstein*, a *German* Divine.

General Zeal for the Reformation.

V. THE Language and Stile of all good Men at that time was much the same, as may be seen by the Works of that, and even some preceding Centuries, wherein the See of *Rome*, the Popes, and the Clergy, were treated with more Freedom and Sharpness than they have been since the Reformation. *Dr. Von der Hardt* promises to impart to the Publick several things written on that Subject about the End of the XIVth Century and the Beginning of the XVth, which were never yet publish'd, particularly those of *Bernard Alamand*, Bishop of *Condom* (2), *Eckard de Dersch*, Bishop of *Worms* (3), and the famous *Zabarella*, Cardinal of *Florence*. An Account has been given in the History of the Council of *Pisa* (a) of the Writings, and Proceedings of *Nicholas Clemangis*, and *John de Varennes* for the Reformation of the Church (4). I will only mention here by the way one Particular which I have met with in *Rymer*'s *Fœdera*, touching the famous *Clemangis* Bachelor of Divinity, and at that time Secretary to *Martin* V, because 'tis very much to his Advantage, and nothing ought to be omitted which concerns a Man of his Importance. After having resign'd his Prebend of *Langres*, he was promoted to the Office of Chanter of the Chapter of the Cathedral of *Bayeux* in *Normandy*, which City being at that time in the Hands of the *English*, *Clemangis* cou'd not touch the Revenues of his Benefice without

*Von der Hardt*, T. II. p. 17, 18.

(a) Lib I. p. 66, 72.

(1) This Work is entitled, *Consilium Pacis de Unione ac Reformatione Ecclesiæ in Concilio Universali quærenda.* It was first printed at *Leipsic* in 1695. from a MS. of *Helmstadt*. A large Account has been given of it in the History of the Council of *Pisa*, Lib. I. p. 51, 53.

(2) As to this Prelate, see the History of the Council of *Pisa*, Lib. I. p. 72.

(3) He was elected in 1377, and died in 1405.

(4) We may also consult the famous Tract of *Paul l'Anglois* upon the same Subject.

Leave

Leave from the King of *England*. Hereupon *Martin* V. wrote a Letter to *Henry* V, wherein he vigorouſly recommends the Perſon and Intereſts of *Clemangis* to this Monarch, as a Perſon of great Merit and Reputation, who employ'd himſelf with very great Succeſs in the Union of the Church, and whom he had call'd to his Court to officiate in the Poſt of Secretary. The Letter is dated the 14th of *April* 1417. In the above-mentioned *Fœdera*, there's another Letter on the ſame Subject from *Philip de Medalia* the Pope's Chamberlain, who had been before Ambaſſador from *Arragon* to *England*. This Letter, which is dated at *Conſtance* the 5th of *February* 1418, contains a very fine Panegyrick on *Clemangis* (1).

A Satyr upon the Court of *Rome*.

VI. BUT they did not content themſelves with grave Diſcourſes only, for they dealt likewiſe in Satyr. There's a very ſevere one for that Time, in a MS. of the Library of St. *Paul* at *Leipſic*. Tho' Satyrs are by no means to be approv'd, yet they ſerve to ſhew the Characters of the Times they are writ in, and this gives us a very juſt Idea of the then State of the Church. It runs thus *verbatim*. *The Pope ſaid to his Cardinals, When the Son of Man cometh before your Tribunal, ſay unto him*, What brought you hither, Friend? *If he heſitates long without returning an Anſwer, turn him out into outer Darkneſs. The Cardinals ſaid to the Pope*, Lord, What muſt we do to get Money? *The Pope anſwer'd unto them*, How, ſay ye? Ye ſhall love Gold and Silver with all your Hearts, and the Rich as yourſelves. And do this in Remembrance of me, and ye ſhall have Life eternal. *At that Time there came to the Court of* Rome *a poor Clergyman, who was oppreſs'd by his Biſhop. This poor Man cry'd to the Pope's Porters in vain for Mercy; for they all gave this hard-hearted Anſwer*, What is it to us? Go with your Poverty to the Devil. *He reſolv'd to go and ſell his Caſſock, his Fur Tippet, his Cloak, his Sword and his Cowl* (a), *and to diſtribute all among the Cardinals, the Officers of the Court, and the Pope's Porters. But they ſaid unto him*, What ſignifies all this among ſo many? *and turn'd him away. As he was weeping bitterly, the Pope ſaid unto him*, Thou ſhalt not enter into the Joy of thy Lord, till thou haſt paid the uttermoſt Farthing. *Some time after, there came a rich, brawny fat Biſhop, that was ſleek, and well attended. This Biſhop had committed Murder. The Cardinals ran to meet him, and to congratulate him upon his Arrival.* You are, *ſaid they to him*, very welcome, and moſt impatiently expected by our

*V. d. Hardt*, T. I. p. 498.

(a) Capacium

(1) *Cujus fama, nuncia veri, tùm vitæ honeſtate, tum ſcientiarum fulgore, tum ſermonis præcipuâ elegantiâ* (nam ex ejus ore dulcior melle fluit oratio) *per univerſam Curiam Romanam, & omnem Gallicanum actum, Hiſpaniarum Oram, diffuſa eſt*: *i.e.* Whoſe Fame the Meſſenger of Truth is ſpread thro' the whole Court of *Rome*, and all the Coaſts of *France* and *Spain*, for his honeſt Life, his Skill in the Sciences, and his Eloquence (*for an Oration flows out of his Mouth ſweeter than Honey*)

Purſes. *When he had ſent a great quantity of Gold and Silver to the Cardinals, they ſaid,* This Man is Holy and Righteous; *and the Pope ſaid to him,* Friend, aſcend higher. *And Salvation enter'd that Day into his Houſe, becauſe the Rich ſhall be the firſt, and the Poor laſt.*

BUT for a Miſchief ſo violent and inveterate, there was a Neceſſity for ſtronger and more effectual Remedies than Prayers, Exhortations, Speeches, Diſcourſes, and Satyrs.

*France* withdraws herſelf from the Obedience of *Benedict* in 1398.

VII. FORASMUCH as it was viſible, that the Antipopes were ſo obſtinate to refuſe the Method of Reſignation which was propoſed to them, and which they had promis'd, only for the ſake of the great Revenues which they gather'd from the Dominions of Chriſtendom, it was reſolv'd in *France* to withdraw from the Obedience of *Benedict* XIII, and an Order was made, *that Elective Benefices ſhou'd be fill'd up by Election, others by the Collation of the Ordinaries to whom the Preſentation by right appertain'd, and that as to the Benefices held by the Adherents of the Competitors, the Ordinaries ſhou'd preſent to them in Commendam till they were fill'd up canonically.* That was one of the Grand Articles of the Reformation, and *France* did not depart from it when ſhe renew'd her Obedience to *Benedict* in 1403. But as this Pope wou'd not ſtand to what he had promis'd, but ſtill continu'd to oppreſs the Churches by his exorbitant Exactions, the Kingdom was obliged three Years after to withdraw it again; and then it was, that the King's Edict and Arret of Parliament were publiſh'd againſt the Annates and other Exactions of the Popes, and with Prohibition to the Pope's Officers *to exact them, and to pay them the Procuration Money for their Viſitations, or to pay the Cardinals and Chamberlains for vacant Benefices* (1). Laſtly, as they had had Time enough to be convinc'd that *Benedict* XIII. and *Gregory* XII. impudently made a Jeſt of all Chriſtendom, they were abandon'd by their own Cardinals, who, with the Conſent of the greateſt part of the Princes, ſummon'd a Council at *Piſa* for the Union of the Church, and for the general Reformation of the Clergy.

*Dupuy's* Hiſt. of the Schiſm, p. 295. *Gerſoniana*, p. 14.

*Dupuy, ubi ſup.* p. 313. *Gerſoniana*, p. 16. 1406.

THEN was it, that the Wiſhes and Hopes of the Publick for this Reformation reviv'd. Nothing was heard or read but Speeches and Treatiſes on this Subject: But among the Doctors, none diſtinguiſh'd themſelves more than *Gerſon*, for his ſolid Writings and Harangues againſt the Abuſes of the Church of *Rome*.

A Sermon upon the Reformation, T. II. p. 542.

VIII. IN the Year 1408, he preach'd a very excellent Sermon in the Council of *Rheims*, in which, among other things, he talk'd very openly againſt the Abuſe which had been too common for a long time among the Biſhops, who look'd upon Preaching as a Function

(1) *Dupuy's Hiſtory of the Schiſm*, p. 259. I make uſe of my Author's own Words which are neither exact nor clear.

unworthy

unworthy of them, and left it to be perform'd by *Mendicant Friers* and poor Divines, whom they paid for it. This Abuſe was derived from another, *viz.* the Wealth and Power of the Biſhops, who therefore ſpent ſo much Time in their Pleaſures, and the Management of their Temporalities, that they had none to ſpare for the principal Functions of their Miniſtry; ſuch as Preaching the Goſpel. By this bad Example of the Prelates, Preaching was undervalued by the People, and their Journeymen preaching only for Lucre, did it with extreme Negligence. *'Tis true*, ſays *Gerſon*, *that by this means Sermons are become more frequent, but then nothing is a greater Rarity than to hear good Goſpel-preaching. The Word of God is adulterated and corrupted; they make a Trade and ſordid Gain of Godlineſs. Seeds of Error and Superſtition are ſcatter'd about, and the People are fed with impertinent frivolous Tales.* To this he adds very good Advice concerning the Choice of Paſtors, the Manner of preaching the Goſpel, the Inſtruction of the People, the Government of the Churches, as well as againſt the Incroachments of the *Begging Friers* upon the Functions of the Curates. In this Diſcourſe he ſeems to be by no means a Friend to thoſe Monks; and moreover he wiſh'd there were no Monaſteries of Women, becauſe they were become Places of Lewdneſs (1). Then he gives Hints for reſtraining the Licentiouſneſs and Libertiniſm of the Clergy, which are here painted in the moſt frightful Colours, the Tyranny of the Biſhops and Prelates, the Exactions of their Procurators, who in the Viſitation of Churches levy exorbitant Sums upon the poor People, and get Money alſo by giving Abſolution to real or pretended Criminals. *This*, ſays *Gerſon*, *is like the Toll at the Gate* Bodet (2). He compares Excommunications iſſued for trifling Cauſes, to knocking a Man o' the Head with a great Club, on pretence of driving away a Fly from his Face. He concludes this Sermon, by ſhewing the Neceſſity of a Council, to reform all the Abuſes which I have only mentioned in the general, and which every one will be glad to ſee more particularly in the Original itſelf.

IX. *FRANCE* and *Germany* were not the only Countries where Materials were prepar'd for the Reformation that was to be treated of in the Council of *Piſa*. I lately mentioned the Treatiſe of *Paul l'Anglois*, and I have had Occaſion to mention another Treatiſe *en paſſant*, which was dedicated by *Richard Ullerſton*, a Doctor of *Oxford*, to the Biſhop of *Salisbury*, to ſerve him as a Memorial at

The Writings of ſome *English* Doctors on the ſame Subject.

(1) *Et utinam nulla ſint Monaſteria mulierum quæ facta ſunt proſtibula meretricum, & prohibeat adhuc deteriora Deus.* p. 552.

(2) *Gerſon* expreſſes it in the *French*, *le droit de la porte Bodet*, though the reſt of the Diſcourſe is *Latin*. I find by *M. Duchat*, that the Gate *Bodet* or *Boudet* was a Gate of *Paris*, which has been for a long time nail'd up.

the Council of *Piſa*, where that Biſhop was, as well as at *Conſtance*, where * he died. After having in very ſtrong Terms laid down many extraordinary good Hints for confining Popes to the Functions of their Miniſtry, he concludes his Treatiſe thus. *Things being thus diſpoſed in their natural Order, and all thoſe Abuſes taken away, the Pope, according to the Duty of his Office, will make it his Buſineſs to procure Peace among the Chriſtians, to preach the Goſpel himſelf, and to ſend out ſound Preachers to all Parts, who, by their Preaching and Examples, may teach both the Prelates and People their ſeveral Duties, and make a holy War againſt the Paſſions, which,* ſays he, *according to St.* James, *are the Source of Wars and Diviſions in the Church and State.* To *Richard Ullerſton* we muſt join an *Engliſh Carmelite*, whoſe Name was *Walter Dyſſe*, who, according to *Poſſevinus*, was ſent by *Boniface* IX. to *Guienne*, *Spain* and *Portugal*, to preach the *Cruſado* there againſt the Infidels, and who, according to the ſame Author, confuted the *Wickliffites*. It was much about this Time, that he wrote a Poem againſt the Schiſm, of which 'tis neceſſary to inſert a few Lines, to ſhew that the Pope and Church of *Rome* were not ſpared by their beſt Friends.

* *Ullerſton.*

*Walter Dyſſe.*

*Ad calcem Operum. Nicol. Clem. Leyden.* 1613. *V. d. Hardt*, T. I. Part IX. Præf. p. 500.

*In primis Pontifices & Prælatos noto,*
*Nam iſte Grex hominum, Canone remoto,*
*Totus eſt in poculis, totus lucri voto*
*Æſtuat, & vitæ diſconvenit ordine toto.*
*Heu quàm nugatorii Præſules moderni,*
*Dici debent potiùs Præſides Averni,*
*Vel ſpretores meliùs judicis Æterni,*
*Potores bibuli media de nocte phalerni!*
*Dic Papa, dic Pontifex, ſpes ſponſi, ſponſæ dos*
*Cur ſis pejor, peſſimus hœdorum inter hœdos*
*Cur mores redarguis & ſermones fœdos*
*Inter Socraticos notiſſima foſſa cinœdos.*

Here is ſome Miſtake.

i. e.

IN the firſt Place, I obſerve the Popes and Prelates, a Company of Men, who, ſetting aſide the Canon Law, are drown'd in their Cups, burning with the Thirſt of Lucre, and altogether diſorder'd in their Lives. Alas! how do our modern trifling Prelates deſerve rather to be call'd the Preſidents of Hell, or rather Contemners of the Everlaſting Judge, for they tipple *Falernian* Wine at Midnight. Say Pope, ſay High Prieſt, the Hopes of the Bridegroom, the Portion of the Bride, why thou art worſe, why thou, that art the worſt of Kids among Kids, the moſt noted Sink among the Catamites of *Socrates*, reproveſt obſcene Manners and Diſcourſe.

*D. VON*

*D. VON DER HARDT* ſpeaks of another *Engliſh Carmelite*, who ſignaliz'd himſelf in the Councils of *Piſa* and *Conſtance*, by his Zeal for the Reformation. This was *Thomas Netter*, ſaid to be of *Walden* in *Eſſex*, a great *Anti-Wickliffite* (a).

(a) *V. d. Har.* T. I. Part IX. Præf. p. 501. The Reformation deſired in *Italy* and *Spain*.

X. ALL the learned Men in *Italy*, who were animated with a true Zeal for the Honour of the Church, long'd as earneſtly for the Reformation. Here I will not ſpeak of *Marſilius* of *Pavia*, *Petrarch*, and ſome others, who ſignaliz'd themſelves in theſe Matters, becauſe they were dead before the Council of *Piſa*; nor even of *Leonard Aretin*, and *Poggius* the *Florentine*, becauſe the Freedom of their Language againſt the Church of *Rome* has render'd them ſuſpected of Partiality. But there were at that time two illuſtrious Prelates, whoſe Teſtimonies are undeniable, *viz.* the Cardinal *de Zabarella*, and *Pileus*, Archbiſhop of *Genoa*. The former who dy'd at *Conſtance*, has been too often mention'd in this Hiſtory to be unknown. At the Time of the Council of *Piſa*, he wrote a Tract, to prove that it was the Buſineſs of the Council and the Emperor, to undertake the Union and Reformation of the Church. As to the Archbiſhop of *Genoa*, in Preſence of the *French* who went to the Council of *Piſa*, he made a long Speech, repreſenting in very pathetick Terms, the deplorable Condition to which the Schiſm had reduc'd Chriſtendom, not only with reſpect to the Wars which it had excited in it, but above all, with regard to Manners and Diſcipline which were totally corrupted both among the Clergy and Laity. I don't know that any *Spaniſh* Doctor wrote upon this Subject at that Time. The *Spaniards* holding out at that Juncture alſo for *Benedict* XIII, and acknowledging no other Popes, nor their Cardinals, 'tis not ſtrange that they remain'd ſilent. But a Satyr which flew about from that Quarter at the Council of *Conſtance*, againſt the Pope and all the Clergy, ſhews plain enough what their Sentiments were in this Matter, and that if they did not ſpeak out, they thought as much as others. Moreover, Hiſtory ſays, that *Vincent Ferrier*, who was the great Preacher of *Spain*, at that Time, inveigh'd in his Sermons againſt the Manners of the Clergy. By theſe Specimens therefore, we may judge what was the univerſal Expectation and Bent of People's Minds with reſpect to the Reformation, immediately before the Council of *Piſa*. We will take a ſhort View of what paſs'd there upon this Head.

*Zabarella*, *Pileus*. *V. d. Hardt*, T. II. *Proleg.* p. 17.

*V. d. Hardt*, *ubi ſup.* p. 67.

*Vincent Ferrier.*

XI. AFTER *Benedict* XIII. and *Gregory* XII. were depos'd, all the Cardinals ſwore ſolemnly, that which ſoever of them was choſen Pope, he would not diſſolve the Council before they had finiſh'd the Reformation of the Church. The Election falling upon *Peter* of *Candie*, *Cardinal of the Church of the Twelve Apoſtles*, known by the Name of the Cardinal of *Milan*, who took the Title of *Alexander* V, he re-

*Alexander* V's Regulations for the Reformation.

SESSION Twenty-fifth. Council of *Pisa*

new'd as Pope, the Promise he had made when a Cardinal, and caused Deputies of each Nation to be appointed forthwith to labour with the Cardinals for the Reformation. But the Event plainly proved, that *Alexander* V. gave such fair Hopes purely to amuse Mankind, and that his only Design was to get out of *Pisa* as soon as possible, after throwing Dust in their Eyes by certain Regulations. In the XXIId Session, he declared by the Archbishop of *Pisa*, that being touch'd with the Desolation and Necessity of so many ruined Churches, he generously forgave all the Arrears that were due to the Apostolical Chamber, to the Day of his Election. He declared also, that hereafter he would not, as was formerly the Custom, reserve to himself the Estates and Spoils of the Prelates and other Clergy, who should happen to dye at the Court of *Rome*, nor the Revenues of the vacant Benefices. Then the Archbishop of *Pisa* pray'd the Cardinals, in the Name of the Council, to forgive, as the Pope had done, their Part of the Arrears that were due to them from the Churches and Clergy. Only one Cardinal opposed it. In the XXIIId Session, the Pope, with the Approbation of the Council, made an Order, that the Lands of the Church of *Rome*, and other Churches, should not be alienated nor mortgaged by him, nor by the other Prelates, till the next Council, when it should be more maturely consider'd. That the Metropolitans, the Bishops and their Suffragans, should assemble Provincial Councils, before the General Council, because many Abuses were crept into the Church, through the Defect and Uncommonness of those Councils. That the *Benedictines* and Regular Canons should also assemble General and Provincial Chapters. That the Pope should not make any Translation of Benefices, without hearing the Parties, and without mature Deliberation. Finally, that the Pope was resolved, with the Advice of the Council, to reform the Church in its Head and Members; that he had even executed several Articles of that Reformation already, but that as many other Things remain'd to be done, which could not be dispatch'd, by reason that several Ambassadors and Prelates were withdrawn, he referr'd the Conclusion thereof to the next Council, which was to be held at the Expiration of three Years. Mean time the Government of *Alexander* V. was as burdensome as that of his Predecessors, as appears from the Complaints thereof made by *Peter d'Ailli*, *John Gerson*, and *Theodoric de Niem*, all three cotemporary Authors, and Eye-witnesses of his Conduct. This Pope dy'd *May* 3, 1410, and left the Care of executing the *Simoniacal* Projects, which they had concerted together at *Bologna*, to his Successor *John* XXIII.

*Peter d'Ailli*, *ap. V. d. Har.* T. I. p. 262. *Oper. Gerson*, T. II. p. 192. *Niem* L. III. Cap. 51, 52, 53. See *Dupin Bibl.* Tom. XII. p. 9. *Dupui* p. 369.

New Complaints after the Council of *Pisa*.

XII. As the Council of *Pisa* came to nothing, and as Things went worse and worse, there was a Necessity of making fresh Complaints, and of thinking of more effectual Methods to relieve the Church from

from the Oppreſſion it labour'd under, through the Avarice and Ambition of the Popes, who loaded the Churches, every one in Proportion to his Power, with a thouſand Exactions. *France* in particular renew'd her Edict of 1406, againſt the Annates, the Tenths, and the other Uſurpations of the Court of *Rome* upon the Eccleſiaſtical Benefices. *John* XXIII, on his Part, to execute the Order of the Council of *Piſa*, aſſembled one at *Rome*; but this Council being null and void, as has been elſewhere obſerved, the Emperor agreed with the Pope, that one ſhould be aſſembled at *Conſtance*, both for the Union of the Church, and its Reformation; neither of which could be brought to bear, either at *Piſa* or at *Rome*. In Expectation of the holding of the Council, all the moſt able Doctors that were preſent, haſten'd to draw up proper Memorials for the Reformation, which was look'd upon as the Capital Affair of this Council. 1410, 1411, 1412. In 1412.

XIII. AMONG others, *Clemangis* had ſome Years ago publiſh'd a Writing upon the *Corruption of the Church*, which contributed not a little to the Opening of the Eyes of ſeveral Princes and Prelates, and to inſpire them with a Deſign to relieve it from the deplorable State he repreſents it to be in, in that Piece. 'Tis not a Satyr, nor Invective of any Monk, or any other private Man diſguſted with the Court of *Rome*. While *Clemangis* compos'd this Tract, 'tis certain that he always was very cautious of diſobliging the King of *France*, and *Benedict* XIII, whoſe good Graces he preſerv'd, though he was retir'd from Court to live more at his Eaſe in his Prebend of *Langres*. He was again with *Benedict* XIII, when that Pope fulminated his Bull of Excommunication againſt *France*, and was alſo accus'd of having compos'd that thundering Piece. Indeed he juſtify'd himſelf from that Charge; but 'tis certain, that he did not approve *France*'s renouncing the Obedience of *Benedict*, and that he ſupported his Intereſts as long as he was able. He declar'd alſo in a Letter he wrote to the Council of *Conſtance*, that he did not approve the Reſolution therein taken to chuſe neither of the Competitors. An Account of this Piece is given in the Hiſtory of the Council of *Piſa*. *Clemangis's* Tract upon the Reformation. *V. d. Hardt*, T. I *Vit. Clem.* p. 73. *ex Præf.* III. *De corrupto Eccleſiæ ſtatu Oper. Clemang.* p. 4.

XIV. *NICHOLAS CLEMANGIS* had hitherto laid open the Evil. *John Gerſon* ſtudy'd the Remedies. This was the Purport of a Tract he compos'd after the Council of *Piſa*, with this Title, *De Auferibilitate Papæ ab Eccleſia*, i. e. Of the Taking away of the Pope from the Church, to ſhew that *there are Caſes wherein a Pope may be depos'd* (1). But as *Gerſon* only ſpoke of the Article of *Gerſon's* Tracts on the ſame Subject. *Gerſon's* Works, T. II. p. 21[illegible].

(1) An Account of this Work is given in the Hiſtory of the Council of *Piſa*, T. I. p. 305, 308.

the Reformation in this Treatiſe indirectly, he wrote another Tract ſome time before the Council of *Conſtance*, with this Title, *Means for uniting and reforming the Church in a General Council* (1). This Piece is dedicated to the Cardinal of *Cambray*, and *Gerſon* therein anſwers ſeveral Objections (2), which that Prelate had ſtarted to him, concerning the Calling of a General Council. As it ſerv'd for a Model to the Deputies of the Nations who drew up the Plan of the Reformation at *Conſtance*, 'tis neceſſary to give the Subſtance of it. *Gerſon* lays it down in the firſt Place for a Principle, That the Catholick Church is a Collection of all *Chriſtians*, *Greeks*, *Latins*, *Barbarians*, Men, Women, Nobles, Peaſants, Rich and Poor; that Jeſus Chriſt is the ſole Head of this Body of the Catholick Church, and that the Pope, the Cardinals, the Prelates, the Clergy, Kings, Princes and People, are the Members of it, though conſtituted unequally. That the Pope neither can nor ought to be call'd the Head of the Catholick Church, but only the Vicar of Jeſus Chriſt, who holds his Place upon Earth; provided nevertheleſs, that there be no Schiſm, *dum tamen clavis non erret*, i. e. *or the Keys not out of their Places.* That every Believer may be ſaved in this Catholick Church, even though there were no Pope in the World, becauſe 'tis in this Church alone, that Faith, the Sacraments, and Salvation, reſide; and that 'tis to her that the Power was given of binding and looſing; that 'tis this Catholick Church, which, *according to Tradition*, cannot err nor fail, nor be ſubject to Schiſm and Hereſy, nor deceive, nor be deceiv'd, and that it never ſinn'd (3). 'That there's another 'Church called Apoſtolical, which is particular, and included in the 'Univerſal Church, *viz.* the Pope, the Cardinals, the Archbiſhops, 'the Prelates, the Clergy'. *That's what*, ſays *Gerſon*, *is commonly call'd the Church of* Rome, *of which they hold the Pope to be the Head, and the other Clergy the Members. That may err and fail, deceive and be deceived. It may fall into Schiſm and Hereſy. 'Tis only the Inſtrument and Organ of the Catholick Church, and has no Authority but what the Catholick Church gives it for exerciſing the Authority which reſides in the Catholick Church only.* *Gerſon* concludes, that for the Welfare, Salvation, Tranquillity, and Order of the Catholick Church, every one ſhould employ themſelves forthwith for the Reformation of the particular Church, to which the Power of the Keys is committed, when the ſaid Church happens to err, to fall into Schiſm,

(1) This Tract is not in the old Editions of *Gerſon*. *Von der Hardt* publiſh'd it for the firſt Time in 1696, and afterwards *M. Dupin*, in his laſt Edition of *Gerſon's* Works. *V. d. Hardt*, T. I. Part V. *Geſ.* T. I. p. 162.

(2) See *Peter d'Ailli's* Objections. *V. d. Hardt*, T. I. p. 255, and *Gerſon's* Works T. II. p 867.

(3) *Gerſon* thereupon quotes the Canon Law. *Decret.* Part II. c. 244. *omnibus.*

in a word, to be corrupted to that Degree as it was then in all Reſpects: That indeed when the Pope is not ſuſpected, and there is no Schiſm, 'tis the Pope's Buſineſs to remedy the Diſorders that are crept into the Church; but that in Caſes where there are three Popes, equally guilty of the Diſunion and Corruption of the Church, the Care of its Reformation concerns not only Temporal Kings and Princes, but Peaſants, Labourers, and the loweſt Degrees of Men, and with much more Reaſon, Biſhops, Prelates, and the other Guides of the Church.

AFTER having laid down theſe Principles, the firſt Foundation of the Reformation which the Author eſtabliſhes, is *the Limitation of that Power and Authority which the Popes have for a long Time uſurp'd.* He maintains, that every Conſtitution made in Favour of the Popes, Cardinals and Prelates, ought to be regarded as null and void, when 'tis prejudicial to the Welfare of the Catholick Church, and to the juſt Authority of Temporal Princes. Upon this Occaſion, he falls deſperately upon the *Sextus* of the *Decretals*, upon the *Clementines*, and upon moſt of the Popes Conſtitutions. But 'tis proper to hear him in his own Words. *Quis fecit illos libros, Sextum & Clementinas? Arrogantiam, ſuperbiam, juris ordinariorum locorum uſurpationem, Imperatorum Romanorum injurioſam detractionem, & eorum aliorumque poteſtatis periculoſiſſimam ſuppreſſionem, & alia multa in ſecularis & ſpiritualis Reipublicæ læſionem malitioſè & pertinaci ambitione fabricata, in omnibus, & per omnia concludentes: Et male; quia non minùs terreno Principi in his quæ ad jura pertinent imperii, quam ſpirituali, in his quæ ad Deum ſpectant, debetur Obedientia. Vult enim Deus hominem homini ſubeſſe, duplici ratione, carnali Domino, quia caro eſt, & ſpirituali, quia ſpiritus eſt. Igitur omnes inobedientes Romano Imperatori, & ejuſdem Imperio, quia ejus jura uſurpant, in ſtatu damnationis exiſtunt. Nihilominus & Papæ voluerunt obſervari illos ſicut ſancta Dei Evangelia. Et ſic de multis contentis in Decretis & Decretalibus poſt donationem Conſtantini. i. e.* Who compos'd thoſe Books, the *Sextus* and the *Clementine* Conſtitutions? They are a Complication of Arrogance, Pride, an Uſurpation of the Right of the Ordinaries, of Places, an injurious Detraction of the *Roman* Emperors, and a moſt dangerous Suppreſſion of the Power to them and others appertaining, with many other things maliciouſly and moſt ambitiouſly fram'd to the Hurt of the Republick both Spiritual and Temporal; which is quite wrong, becauſe Obedience is as much due to a Temporal Prince in Things which belong to the Laws of the Government, as to a Spiritual Prince in thoſe Things which belong to God. For 'tis the Will of God that one Man ſhou'd be ſubject to another upon a twofold Account; to the Carnal Maſter, becauſe he is Fleſh; and to the Spiritual, becauſe he is Spirit. Therefore all that are diſobedient to the *Roman* Emperor

peror and his Government, becauſe they uſurp his Rights, are in a State of Damnation: And yet the Popes wou'd have thoſe Books obſerv'd, as if they were the holy Goſpels of God. And the like of many Things contain'd in the Decrees and Decretals after *Conſtantine*'s Donation. ——

*GERSON* is not content with limiting the Authority of the Popes. He ſays, that the Church has a Right to depoſe them, if they render themſelves unworthy of their Character, or are incapable to exerciſe it. For, ſays he, if for the Good of the Publick a King be depos'd, who deriv'd his Kingdom from his Anceſtors by Right of Succeſſion, how much more may a Pope be depos'd who has this Dignity only by the Election of the Cardinals, and whoſe Father or Grandfather perhaps *knew not where to dine?* Is it not very hard to ſee the *Son of a Fiſherman* (1) of *Venice* pretend to the Poſſeſſion of the Pontificate as if it was his own Inheritance, to the great Prejudice of the Church, in ſpite of ſo many Kings, Princes and Prelates? But as there was a Maxim at that Time, which was very commonly receiv'd, *viz. That the Pope cannot be judged by any Perſon*, *Gerſon* combats it with all his Strength as a mere Invention of the Popes. He affirms, and fully proves in my Opinion, that 'tis contrary to the Laws of God and Nature, which both require, that the Pope, as he is a Man, and by conſequence liable to Error and Sin, be alſo ſubject to be try'd like another Man for all ſorts of Crimes, and even more ſubject than another, becauſe his Faults are of a more pernicious Conſequence by reaſon of his high Situation. 'It can't 'be the Pope's Authority, *ſays he*, which renders him *ſacred*, be-'cauſe Authority may be common to the Good and the Bad. Nor 'is it the Papal See; for 'tis the Man that gives a Sanction to the 'Place, and not the Place to the Man. Nor can his Pontifical Or-'naments convey this Sanctity; for, on the contrary, they only ſerve 'to diſplay the Corruption of his Manners in fuller View'. *Gerſon* proceeding from Argument to Experience, ſhews, that there were and are ſtill Popes who are Murderers, Fornicators, Uſurers, Robbers, falſe Witneſſes, Hereticks and Schiſmaticks. *Is it not*, ſays he, *very ridiculous to ſee a Simoniſt, a covetous Man, a Liar, an Extortioner, a Fornicator, a proud haughty Man, one in ſhort that is worſe than a Devil, pretend to the Power of binding and looſing in Heaven and on Earth? When all's done*, continues he, *the Pope is not greater than Jeſus Chriſt or St.* Peter, *who actually ſubmitted to the Temporal Powers, and order'd all Men to do the ſame. But above all, Jeſus Chriſt having declar'd, as he has done, that his Kingdom was not of this World, and having*

(1) This relates to *Gregory* XII, a *Venetian*, and who is therefore call'd a Fiſherman's Son, becauſe *Venice* is built upon the Sea.

*avoided*

*avoided it when they would have made him a King, is it tolerable that a Pope, who happens to be a Malefactor or Criminal, ſhou'd be exempt from the Juriſdiction which Innocence itſelf has been pleas'd to recognize?* As there was no executing of the intended Reformation, but by the Authority of a General Council repreſenting the Catholick Church, and which by conſequence ſhou'd be ſuperior to the Pope, in order for the correcting, and, if neceſſary, for the depoſing of him, it was no ſmall Difficulty to know to whom the Right of calling a Council belong'd, eſpecially at the Time of a Schiſm, as was ſhewn at the Beginning of this Hiſtory. *Gerſon* declares his Opinion thereupon with a great deal of Freedom. He ſays, that when the Buſineſs in hand is to ſuppreſs a Schiſm, and to judge Popes who are a Scandal to the Church, none of them has a Right to aſſemble a Council, nor to preſide in it, not even the Man who is moſt generally recogniz'd, and who has the moſt Right to think himſelf the lawful Pope. 'For, *ſays he*, if *John* XXIII, who comes under this laſt 'Conſideration, has a mind to aſſemble a Council, and preſide in it, 'who is he that will preſume to contradict him, or to propoſe the 'leaſt Thing for the Reformation and the Union of the Church? 'What Appearance is there, that Men who have appropriated eve-'ry Penny to themſelves by their Reſervations and ſuch like Prac-'tices, will ever conſent to renounce the Pontificate as long as they 'are able to keep it. *He infers from thence*, that in a Time of Schiſm, 'and when the Trial of a Pope is the Thing in queſtion, it does 'not belong to the Pope to aſſemble the Council, but to the Cardinals 'and Biſhops, to the Prelates and the other Clergy, in conjunction with 'the Temporal Nobility'; and that if the Pope offers to call it, no body is obliged to repair to it. However, he gives but very little Share in this Affair to the Cardinals, becauſe of their Attachment to the Pope, and of the Intereſt they have to ſupport him whom they own as ſuch. 'In caſe, *ſays he*, that there's no Emperor to call a 'Council, the Calling thereof appertains in the firſt place to the Bi-'ſhops, who are, properly ſpeaking, the Succeſſors of the Apoſtles; 'and in the ſecond place, to the Cardinals (1), who, according to 'the primitive Inſtitution, are inferior to Biſhops, becauſe that for-'merly they were no more than Prieſts of *Rome* ſet apart for the 'Burial of the Dead, for the Baptiſm of Proſelytes, and for ad-'miniſtering the Sacraments to them, the Authority they have had

(1) Cardinales autem erant Romæ Presbyteri, ordinati ad ſepelhendum mortuos, & baptizandum noviter venientes ad fidem, & eis Eccleſiaſtica Sacramenta miniſtrandum.——Ergo minorem locum ſecundum Deum, & Inſtituta Eccleſiæ obtinent Cardinales quam Epiſcopi; licet uſurpative oppoſitum patea: in eiſdem. *Gerſ. cap.* 15. *ap. V. d Hardt*, T. I. Part V. p. 104.

'ſince being nothing better than Uſurpation'. 3. He maintains, that 'tis the Emperor's Province, in Quality of *Advocate and Protector of the Church*, to aſſemble the Biſhops, Cardinals, the other Clergy and Doctors, in Concert with the Kings and Princes of Chriſtendom, who are obliged to perform the ſame Function when an Emperor is wanting. He ſpends a whole Chapter to prove from Hiſtory and from ſeveral Arguments, the Right which the Emperors have to aſſemble Oecumenical Councils, and among other Inſtances, he mentions that of
In 963. *Otho* I, who aſſembled two Councils at *Rome*; in one of which he caus'd Pope *John* XII. to be depos'd by reaſon of his Misbehaviour; and in the other, *Benedict* the Antipope, whom the *Romans* had elected contrary to the Oath they had taken to chuſe none but with the Emperor's Conſent. One can't expreſs with more Force than *Gerſon* has done, the indiſpenſable Obligation which Emperors, Kings, and all Temporal Princes and Lords are under to uſe their Authority, and to ſacrifice their Lives for the Good of the Church, of which he looks upon them as the *Fathers*, *Phyſicians* and even the *Surgeons*, who have receiv'd the Right of plucking up and of cutting off from the Crown of the Head to the Soles of the Feet every Part that is corrupted and mortified. 'For, *ſays he*, as we 'have ſeen the Emperors, Kings and Princes of the Age, undertake 'with the Hazard of their Lives and Dominions to recover the Ho-'ly Land out of the Hands of Infidels, ſhou'd they be ſparing of 'their Pains, or even of their Lives, to reſcue Chriſtendom itſelf 'from the Oppreſſion which it labours under by the Schiſm, and by 'the Irregularities of the Popes and others of the Clergy'? 4. On Failure of the Kings and Princes, *Gerſon* ſays, 'tis the Care and Concern of all Chriſtians, even down to the Peaſant, to aſſemble a Council (1), *and even of the meaneſt old Woman, becauſe the Catholick Church may be ſav'd in the meaneſt old Woman.*

AFTER having eſtabliſh'd the Superiority of the Council, and the Right of the Emperor, Princes and all Chriſtians to aſſemble one for ſuppreſſing the Schiſm, and reforming the Church; he propoſes ſome Rules to be follow'd for attaining to this End. The firſt is, that the Catholick Church take care never to ſuffer any Pope, under any pretence whatſoever, to contravene the Decrees of a general Council, to interpret them as he pleaſeth, nor to alter them in the leaſt, becauſe ſuch Alterations, when there are any to be made, belong to another General Council. 'Tis, *ſays he*, more clear than the 'Day, that the Decrees of the Four firſt Councils have been caſt into

(1) Sicut Eccleſia Univerſalis poteſt ſalvari in minima vetula, ſic ad ſalvationem Eccleſiæ Univerſalis poteſt Convocatio Concilii fieri per minimam vetulam. *Gerſ. ubi ſup. p.* 119.

'Oblivion and quite aboliſh'd by the Avarice of the Popes, the 'Cardinals and Prelates, by the Pontiff's Reſervations, by the Con-'ſtitutions of the Apoſtolical Chamber, by the Rules of the Chan-'cery, by Diſpenſations, Abſolutions, Indulgences, by the Confeſſion 'Chairs, and by the Offices of the Penitentiary'. He maintains, that an Oecumenical Council has no Right to excuſe any Perſon whatſoever, not even a Pope, from the Obſervations of its Decrees; becauſe this wou'd be conferring on the Pope the Authority and Character of the Catholick Church, which, according to *Gerſon*, can not appertain to him. He ſhews, that 'tis from this Liberty, which is given or indulged to the Pope, either thro' Ignorance, or thro' Weakneſs, or Self-intereſt, that all the Diſorders of the Church have proceeded. He expreſſes himſelf with ſo much Force upon this Subject, that 'tis neceſſary to hear him. 'The Court of *Rome* has invented 'a thouſand Offices to get Money, but ſcarce one for the Cultivati-'on of Virtue. All the Talk there from Morning to Night is of 'Armies, of the ſeveral ſorts of Weapons, of Lands, Towns, Money; 'whereas Chaſtity, Almſgiving, Juſtice, Fidelity and good Manners, 'are ſeldom or rather never mention'd: So that this Court, which 'was formerly ſpiritual, is become worldly, diabolical, tyrannical, 'and worſe than any Secular Court'. When he comes to examine upon what Foundation the Pope has render'd himſelf the ſoveraign Diſpoſer of all the Benefices and of all the Revenues of the Church throughout the Chriſtian World, he aſſerts, that this Foundation is null and void, and that there's no Time, nor Law, nor Cuſtom, which can authoriſe ſuch an Uſurpation. 'Jeſus Chriſt (1), *ſays* '*he*, only gave to St. *Peter* the Authority which he gave to the 'meaneſt Biſhop, of binding and looſing, but did not confer upon 'him the Power of diſpenſing either Benefices or Revenues; nor 'did St. *Peter* exerciſe ſuch Power. 'Tis very true, *continues* '*he*, that as the Church grew up and ſpread into ſeveral Parts 'of the World thro' the Piety of Kings and Emperors, there was 'a Neceſſity for a different Government. This obliged the Catho-'lick Church to give to the Pope in ſeveral Oecumenical Coun-'cils which repreſented it, the Power of diſpenſing certain Benefices, 'but all the others were left to the Diſpoſal of the Ordinaries. 'Thus the Patriarchs and Cardinals were eſtabliſh'd by the Popes, 'Primates by the Patriarchs, Archbiſhops by the Primates, Biſhops 'by Archbiſhops, Abbats and other Dignitaries by the Ordinaries'.

(1) Non legimus Chriſtum illi contuliſſe poteſtatem, Beneficia, Dignitates, Epiſcopatus, Villas, Terras diſpenſandi aut diſtribuendi, ſed nec unquam legimus Petrum hæc feciſſe. Sed ſolum hanc poteſtatem ei tribuit ſpecialem ſcriptam Matth. xvi. quam etiam minimo mundi Epiſcopo conceſſit.

He pretends that this Diſpoſition laſted twelve hundred Years, and was only changed thro' the inſatiable Avarice and Ambition of the Popes, who reſerv'd to their own Diſpoſal ſuch Eſtates as did not belong to them, but to the Catholick Church on which they were beſtow'd by the Liberality of Emperors, Kings and Princes, only for the Maintenance of the Poor and of the Eccleſiaſtical Miniſtry. He infers from thence, that the Emperor, Kings, and all Powers are in Conſcience obliged vigorouſly to oppoſe ſo manifeſt a Tyranny, and *that they ought not to ſuffer the Spouſe of Jeſus Chriſt to be proſtituted, like a Harlot, to Murderers, Adulterers and Raviſhers.* Theſe are the Encomiums he beſtows upon *Benedict* XIII, *Gregory* XII, *Alexander* V, and *John* XXIII, by Name. Here he raves terribly againſt the Rules of the Chancery, by means of which, Churches, Prebends, and other Eccleſiaſtical Benefices, are conferr'd upon Murderers, and upon all manner of Scoundrels, ſuch as Cooks, Grooms and Mule-drivers (1), while the Perſons moſt capable of Eccleſiaſtical Employments are overlook'd.

THESE Reflections upon the Tyranny and upon the *Antichriſtianity* (2) of the Popes, give *Gerſon* Occaſion to propoſe a ſecond Regulation, which is, to chuſe neither of the Competitors for Pope, even tho' they ſhou'd voluntarily reſign, nor any one of the College of Cardinals; but to look over all Chriſtendom, and to chuſe the Man of greateſt Eſteem for his Knowledge in Holy Writ, and for the Purity of his Manners. For the Excluding of the Competitors, he alledges certain Inconveniencies which might ariſe from the Election of either of them; as for example, thoſe in the Obedience of him who happens to be elected may boaſt of having had a true Pope all along, and reproach the other Obediences with having been ſchiſmatical. This Reſolution was taken accordingly in the XLth Seſſion, as we have ſeen. The Caſe was not the ſame with reſpect to the Cardinals, becauſe he that was choſen Pope was a Cardinal; nor does it appear, that it was ſo much as put to the queſtion, whether they ſhou'd chuſe a Cardinal, or any other Prelate, if he was but worthy of it. Nevertheleſs the Reaſon which *Gerſon* offer'd for excluding the Cardinals was not ſo trifling as to be diſregarded; for it was the Scandal they had given by the Choice of ſuch ſorry Popes, and the Fear that they would not break themſelves of the Trade they had ſo long been accuſtomed to in Simony, and the Jobbing of Benefices. He might alſo have inſtanced in *Clement* V, who was not one of the
In 1305. College of Cardinals when he was choſen to ſucceed *Benedict* XI.

(1) Coqui, Stabularii, Muletarii.
(2) Non Chriſti, ſed mores gerunt Antichriſti, p. 127.

*GERSON*

*GERSON* proposes a third Rule which may be deem'd as a Consequence of the last, *viz.* That a Pope may not be elected as usual by the Cardinals only, but by such Deputies of the Council as shall be chosen out of the most learned and most virtuous in the Assembly. 'Tis true that the Cardinals had been for above two Centuries in Possession of the sole Right of electing the Popes (*a*); but as Things now stood, it was impossible to leave the Choice thereof solely in the Breast of the Cardinals, without giving a great deal of Scandal, and exposing the Church to the Danger of a new Schism; whereas by this Choice of Electors there was Hopes of having a better Pope than the preceding ones, and of remedying all the Grievances of the Church, whose Members wou'd then conform to their Head. *The greatest Tyrants among the Princes of the Age will not dare*, says he, *to rebel against the Church, nor to rob her of her Revenues and Privileges, when they see a religious honest Pastor; whereas now, when they rise up against Popes, they attack an Enemy to the Faith, and a Man who does the Works of the Devil rather than those of God.* From hence he takes Occasion to make some Reflections upon the Title of *Servant of the Servants of God*, which the Popes have assum'd ever since the Time of *Gregory the Great*, who was the first that took it. 'All the Bulls of *John* XXIII, *says he*, begin 'with a Lye; for if he was the Servant of the Servants of God, 'as he says at the Head of those Bulls, he wou'd employ himself 'in doing Service to the Faithful, and wou'd assist the Poor who are 'Members of Jesus Christ. But instead of finding him attended by the 'Poor, or by Persons distinguish'd for their Wisdom and Virtue, we 'see none about him but great Lords, Beaus, Bullies, Soldiers and 'Rascals (1). He ought rather to assume the Title of Lord of 'Lords, because he presumes to boast that he has as much Power as 'Jesus Christ had both as God and Man (2). *Gregory the Great, con-* 'tinues he, might well assume the Title of *Servant of the Servants of* 'God. He fed the Poor, and yet was poor himself. He conferred 'Benefices upon none but Persons of Virtue and Abilities: He 'preach'd the Gospel himself to his Clergy and Laity: He compos'd 'Treatises to strengthen Believers in the Faith: He sent Preachers 'into *England*, and several other Parts of the World, to convert the 'Infidels: He honour'd the Emperors: He restrain'd the Luxury 'of the People of *Rome*, and by his Exhortations prevented the 'scandalous Effects of Debauchery' (3). As *Gerson* thought himself

(*a*) Under *Innocent* II. chosen in 1154. *Onuphr. ap. Platin.* p. 186.

(1) Purpuratos, bene vestitos, sucmannos, tyrannos & soldatos, p. 135.

(2) Quia præsumit dicere, esse tantam suam potestatem quantam Christus habuit, secundum quod Deus & secundum quod Homo. *Gerf. ubi sup. p.* 135.

(3) Et sua Oratione ad Dominum Populum Romanum a peste inguinaria liberabat. *Ib. p.* 138.

obliged

obliged to declare his entire Opinion upon a Matter of ſuch Importance, he makes a very curious Reflection upon the Seal of the Apoſtolical Bulls. *It happens*, ſays he, *as it were by Miracle, that we ſee two Heads repreſented in the Seal of the Apoſtolical Bulls. The firſt is the Head of St.* Paul (1), *who never was Pope nor Biſhop; and the ſecond is that of St.* Peter, *who was a Pope. St.* Paul's *Head*, ſays he, *is put there to ſhew that Knowledge is more neceſſary in a Pope than Authority.* He carries this Sentiment very far; but what we have ſaid may ſuffice to give a general Idea of *Gerſon*'s Sentiments concerning the Reformation of the Church, which in the Cloſe of his Treatiſe he reduces to theſe principal Points. 'That Princes, 'whether Spiritual or Temporal, ought to aſſemble and direct the 'Council. That 'tis neceſſary to reconcile the ſeveral Obediences to-'gether, and to chuſe a *good Paſtor*, who may be recogniz'd and ap-'prov'd by all Mankind for his Probity as well as Learning. That 'his Power muſt afterwards be reſtrain'd, in order to reſtore to other 'Prelates their juſt Authority. That the Canons of the Primitive 'Church muſt be renew'd and ſet upon their old Foot. That the 'Eſtabliſhment of the Pope and Cardinals be ſo wiſely regulated, as 'not to be longer expos'd to the Danger of Schiſm. That Mona-'ſteries and Cures be provided with proper Perſons, and that they 'be given no longer in *Commendam* to the Cardinals, unleſs they are 'poor, and are willing to reſide in them, and to take the ſame Care 'thereof as the Parſons do. That the Abuſes, Violences, Rapines and 'manifeſt Extortions of the Apoſtolical Chamber, together with the 'pernicious Conſtitutions (2) of the Popes, and their unjuſt Excom-'munications, be entirely aboliſh'd. That *Commendams*, the Incor-'porations or Unions of Churches made during the Schiſm, the 'Erections of Monaſteries into Parochial Churches, the Poſſeſſion 'of ſeveral incompatible Benefices, under pretence of Diſpenſations 'from the Popes, be made void. That Care be taken that the Aca-'demies be provided with able Teachers, and that no Doctors be 'admitted therein upon ſlight Grounds'. I will only make one Remark upon this Treatiſe. It is, that there's a Fault, of which the Council was ſenſible, namely, the putting down the Reformation in it after the Election of a Pope. Which is juſt as if a Man ſhou'd offer to clip the Pinions of a Bird on the Wing, or to bridle a Horſe on the Gallop.

*Peter d'Ailli*'s Treatiſe on the ſame Subject. *V. d. Hardt*, T. I. p. 277.

XV. *Peter d'Ailli*, then Cardinal of *Cambray*, gave into theſe Arguments of *Gerſon*, and a little before the Council, himſelf wrote a Treatiſe *concerning the Neceſſity of Reforming the Church in its Head*

(1) St. *Paul* was a Doctor of the *Gentiles*, and had been educated at the Feet of the Rabbi *Gamaliel*. (2) *Peſtiferas Conſtitutiones.*

*and*

*and Members.* This Tract was firſt made publick by the Care of *Dr. Von der Hardt*, who copy'd it out of a Manuſcript at *Vienna*, and for the Reader's Conveniency has divided it into thirty Chapters. This Author is no more to be ſuſpected than the former. He was a very great Favourite with *Benedict* XIII, who made him Biſhop of *Puy* in *Velay*, and afterwards of *Cambray*, and he actually ſupported the Intereſts of that Pope with the Hazard of his Life, at the Time that *France* withdrew her Obedience from him. *Peter d'Ailli* being afterwards made a Cardinal by *John* XXIII, was always of the ſame Opinion that he declared himſelf of when he was but plain Doctor. Among *Gerſon*'s Works we find ſome Letters and Fragments of Letters, wherein *Peter d'Ailli* ſpeaks to this Pope with a great deal of Freedom, particularly one, of which it may be worth while to give the Subſtance of. I. He therein repreſents to *John* XXIII, that 'tis his Province to undertake the Reformation of the Head of the Church, of the Apoſtolick See, and of the Church of *Rome*, in the General Council that is to be aſſembled. II. He afterwards makes Overtures for the Suppreſſion of the Schiſm, and for the Reſtoring of Peace to the Church. The chief of theſe Overtures is to go to the Sources of the Evil, in order to ſtop them up. He mentions three Sources. 1. The ſeditious and tumultuous Behaviour of the People of *Rome*. 2. The Diſſimulation of the Cardinals, who did not take it into their Heads to complain of the Violence done them till it was too late. 3. The Intrigues for the Election of a Pope, the *French* Nation, which had for a long time been Maſters of the Election, being deſirous to maintain themſelves in that Privilege, while the *Italians* on the contrary were for a *Roman* or at leaſt an *Italian* Pope. In order to remedy the firſt Inconvenience, *Peter d'Ailli* is of Opinion that the Court of *Rome* ſhould reſide for the future but in one Place, where the Pope and Cardinals may be entirely ſecure, and where the latter may proceed freely to the Election of a Soveraign Pontiff. As to the ſecond Inconvenience, he wou'd have a certain Time fix'd, after the Expiration of which the Cardinals ſhou'd be no longer at liberty to complain of any Violence, nor to alledge the Pretence of any Fear. To obviate the third, he thinks it fit, that hereafter there be not ſo many Cardinals created of one and the ſame Kingdom, Nation or Province, as to be able to carry it by a Majority of Voices in the Election of a Pope, but that they be choſen out of each Nation without Reſpect of Perſons. III. As he does not doubt but the Sins of the Church have involv'd it in a Schiſm ſo tedious and ſo obſtinate, he thinks it expedient that the Church of *Rome*, which is the Head of all the others, ſhou'd begin with reforming its own Manners, in order that it may exert itſelf with more Authority and Succeſs in the Reformation of its Members, and labour

labour effectually to pacify the Temporal Kings and Princes, whose Divisions and Wars were so fatal to Christendom. 4. That as was formerly done at the Council of *Lyons*, another general Passage may be establish'd beyond Sea, as well for going to the Relief of the Holy Land, as for the Reduction of the *Greeks* and the other Schismaticks: A Motive which he thinks very proper to induce the Christian Princes to make a good Peace, or at least a long Truce. Lastly, he is of Opinion, that before the Assembling of a General Council, the Apostolical See should nominate Commissioners to digest every thing that is therein to be discuss'd concerning the Reformation of the Church, to the end that when the whole is laid before the Pope, he may be able to get it ratify'd in full Council (*a*).

(*a*) *Op. Gerf.* T. II. App. p. 882, 883.

WE shall find *Peter d'Ailli* talking of the Necessity of a Reformation, and the Manner of executing it, in the same Strain as *Gerson* who had been his Disciple. The first Chapter is taken up in a general Representation of the Corruption of the Church, and in confuting the Pope's pretended Infallibility. 'Tis not to be imagined, says 'Peter d'Ailli, that St. *Peter*, by receiving the Keys of the Church, be'came incapable of sinning, since all the Time that he was upon Earth 'he was capable to err and sin according to the Use he made of his 'Liberty. 'Tis a Mistake to say, that as soon as a Man is a Pope, 'that alone makes him *Holy*, as the Canon Lawyers say, who pre'tend that the Papal Chair finds a Pope *Holy*, or makes him so. 'We read that there have been Popes that were *Hereticks*, *Sorce'rers* (1), covetous, proud or criminal in other respects; and 'tis a 'great Paradox to say, that the Election of them confers Sanctity 'upon them'. In the second Chapter *d'Ailli* shews, that in order to give Peace to the Church, 'tis absolutely necessary to oblige the Three Competitors to resign, and that he who shall be elected afterwards ought to be a Man of Wisdom, Good Manners, and capable of that Administration. To succeed in this Choice, he is not of Opinion any more than *Gerson*, that the Cardinals alone shou'd be depended on, but he wou'd have the most able of the Prelates associated with them, because if the Election was intirely in the Breast of the Cardinals, they wou'd not fail to cast it upon one of their own Number to the great Scandal of the Church. *Wou'd to God*, says he at the End of this Chapter, *that I cou'd but see the Three Rival Popes together in their Pontifical Habits, behaving all Three as Popes, and officiating at the same time Pontifically! I am sure they wou'd be so much confounded to see themselves all together in this Condition, that they wou'd not scruple to unite the Church again under one Head.* The third Chapter is against Reservations, and other Simoniacal Prac-

(1) Hæreticum & Necromanticum.

tices. *Peter d'Ailli* ſays, the Church had exiſted eight hundred Years before there was any Mention of Reſervations. In the fourth Chapter, *d'Ailli* wou'd have the Pope oblig'd to obey the Decrees of the Council, and that if he contravene the ſame, the Archbiſhops and Biſhops ſhou'd be authoris'd to diſobey him, and to reject his Bulls. In the fifth Chapter he ſays, that the Pope ought not tobe ſuffer'd to veſt the Patrimony, or Lands of the Church of *Rome*, in the Management of his Nephews or Kindred, but of Cardinals of known Probity and Prudence, choſen with the Conſent of their whole College. He maintains in the ſixth Chapter, that if this Patrimony is duly manag'd, there will be enough to maintain the Pope very honourably, ſo that he need not make a Reſervation to himſelf of the Eccleſiaſtical Benefices, to the Prejudice of the Churches and their Paſtors. In the ſame Place he repreſents ſtrenuouſly, that 'tis a great Abuſe to give Archbiſhopricks, Biſhopricks and Abbeys in *Commendam* to the Cardinals, becauſe they put in Mercenaries to govern them who take no Care of the Lord's Flocks. *Is it neceſſary*, ſays he, *for Cardinals to live with ſo much Pride and Pomp, and that a Man, whom we ſaw yeſterday walking in the Streets with only one Clerk in his Company, now he is made a Cardinal* (Fortuna annuente, *i. e.* by Fortune's Smile) *ſhou'd take up ſo much Room as if the whole World was ſcarce wide enough for him, and ſtrut with as great a Train at his Heels as if he was at the Head of an Army juſt ready to give Battle.* The Man that ſpeaks thus of the Cardinals, is himſelf no leſs than a Cardinal. The other Chapters are taken up principally in Arguments againſt the Reſervations, the Origin whereof he aſcribes to *Boniface* VIII, *John* XXII, *Benedict* XII, *Clement* VI, and his Succeſſor; againſt Simony; againſt the Incapacity and Unworthineſs of Perſons advanced to Eccleſiaſtical Offices; againſt Titular Biſhops; and againſt ſuch as do not take Orders, an Abuſe which is very common in *Germany*. In the thirteenth Chapter, he propoſes a Confederacy between the Emperor and the Pope, whereby they ſhou'd engage to aſſiſt one another with all their Power and Authority to recover the Eſtates uſurp'd from the Empire and the Church, in *Italy* and elſewhere. In the 14th and 15th Chapters, he is in the firſt place for engaging the *Turkiſh* and *Pagan* Princes who are converted to Chriſtianity, to ſwear ſolemnly to the Pope and the Emperor, that they will make no Treaty with Infidels and Schiſmaticks. Secondly, he propoſes the fixing of a *general Paſſage for the Conqueſt of the Holy Land*, as was practis'd in the Time of Pope *Urban* II, and the Emperor *Henry* V, in a Time of Schiſm, and for this purpoſe to raiſe the Tenths throughout all Chriſtendom for the Space of Three Years. He ſays, that ſuch an Expedition may very much promote the Union, becauſe it wou'd purge Chriſtendom of a great number

*Paſſagium generale.*

of wicked Subjects that diſturb and diſtract it. *'Tis much better*, ſays he, *to order the Tenths for a pious Enterpriſe, than to grant them, as the Popes do, to the Chriſtian Princes to make War upon one another.* I will conclude this ſort of Extract with two Remarks made by *Peter d'Ailli*; one, that by their Reſervations the Popes had alienated ſeveral Kingdoms from the Church of *Rome*, particularly thoſe of *Sicily*, *Bohemia*, *Hungary*, *England*, *Sweden* and *Denmark*, becauſe after the Time of *Boniface* IX. there went no more Clergymen from thoſe Kingdoms to obtain Benefices. The other is, that as it was the Simony of *John* XXIII, which ſtirr'd up *John Hus*, and excited all the Troubles in *Bohemia*, there was no Hopes of appeaſing them but by the Reformation of the Court of *Rome*.

Chap. VII, and IX.

A Tract of *Theodoric Vrie* concerning the Reformation.

XVI. HITHERTO we have ſeen *Clemangis* and *Peter d'Ailli* making a Sacrifice of their private Intereſts, and of that Affection they had for the Popes whoſe Authority they recognis'd, to the publick Good. The firſt gave no Quarter to *Benedict* XIII. tho' he was of his Obedience; nor the ſecond to *John* XXIII, tho' he was his Legate. Thoſe of *Gregory*'s Obedience were not more favourable to the See of *Rome*, and, without Fear of offending him whom they acknowledged to be the Head of it, talk'd with the ſame Freedom as thoſe of the other Obediences. Of this we have a ſpecial Monument in the Hiſtory of *Theodoric Vrie*, which we have frequently had Occaſion to mention. Tho' it favours ſtrongly of the Barbarity of that Age, and of the Monaſtick Character, yet 'tis remarkable in that it contains a conciſe Hiſtory of the Council of *Conſtance*, and ſeveral Particulars concerning the Lives of the Popes, eſpecially ſince the Schiſm. It abounds with very lively Deſcriptions of the general Corruption of the Clergy. The following is a Specimen of it, in which we ſhall find the Pope and the Court of *Rome* cleverly ſet off.

'Tis the Church which ſpeaks. *V. d. Hardt*, T. I. p. 11.

*Papa Stupor Mundi cecidit, ſecum cecidere*
*Cælica Templa, mea membra, ſimulque caput.*
*Papa Dolor! Mundique Pudor! per crebra pateſcit*
*Crimina ſeu ſcelera, ſamine ſcniſcro!*
*Heu Simon regnat, per munera quæque reguntur;*
*Judiciumque pium gaza nefanda vetat.*
*Curia Papalis fovet omnia ſcandala mundi,*
*Delubra ſacra facit, perfiditate, forum.*
*Ordo ſacer, Baptiſma ſacrum cum Chriſmate ſancto*
*Venduntur turpi conditione foro.*
*Dives honoratur, pauper contemnitur, atque*
*Qui dare plura valet munera gratus erit.*

*Aurea quæ quondam fuit, hinc argentea, Papæ*
*Curia, procedit deteriore modo.*
*Ferrea deinc facta, dura cervice quievit*
*Tempore non modico, sed modo facta lutum.*
*Posque lutum quid deterius solet esse? Recordor,*
*Stercus. Et in tali Curia tota sedet.*

i. e.

'THE Pope, the Amazement of the World, is fallen, and with 'him the heavenly Temples, my Members, and the Head. The 'Pope, the Sorrow and Shame of the World, is proclaim'd by Fame's 'Trumpet for his numerous Crimes. Alas, *Simon* reigns, all things 'are govern'd by Gifts, and just Judgment is debarr'd by wicked Bri-'bery. The Pope's Court cherisheth all the Scandals of the World, 'and by Perfidiousness turns the sacred Temples into a Market. Sa-'cred Orders, holy Baptism, and the sacred Chrism are sold upon vile 'Terms in the Market. The Rich Man is honour'd, the Poor de-'spis'd, and he is the most welcome that is able to give the greatest 'Rewards. The Pope's Court, which was a Court of Gold formerly 'and then of Silver, grew worse and worse, till it came to be a Court 'of Iron, in which State it rested a considerable time; but now 'tis become a Court of Mud. After Mud what do we use to rec-'kon worse? I remember, Dung: Which is now the Station of the 'whole Court.

*Zabarella's* Advice for the Reformation.

XVII. WE have heard the Complaints and Groans of several Nations. We have heard *Gobelin Persona*, *Theodoric de Niem*, *Theodoric Vric*, speaking for *Germany*; *Nicholas Clemangis*, *Peter d'Ailli* and *John Gerson*, for *France*; *Paul l'Anglois* and *Richard Ullerston*, for *England*. I have shewn that the same were the Sentiments in *Italy*, where they had a nearer View of the Source of the Evil. *Zabarella* did not forget at the Council of *Constance* the Sentiments which he had declar'd at the Council of *Pisa*. Nor can his Testimony be liable to Suspicion. He was a Cardinal, as well as *Peter d'Ailli*, and by consequence not much interested to be very zealous for the Reformation of the Court of *Rome*: Having been rais'd to that Dignity by *John* XXIII, it was natural for him to be in that Pope's Interests. He even supported those of the Court of *Rome* in the Council, when he found that some Persons were for pushing Matters too far against it. When they were for striking at certain Privileges of the Cardinals, he strenuously oppos'd it. We have seen what pass'd in the IVth Session, when *Zabarella* procured the Decrees according to the Opinion of the Cardinals, and not according to the Resolution of the Nations. Therefore we ought to look upon these Pieces which *Zabarella* compos'd for the Reformation of

the Church, as Pieces that are ſecure from all Suſpicion of Hatred and Partiality. Upon this Subject Dr. *Von der Hardt* found among the MSS. of the *Vienna* Library, a Piece written by an anonymous Author, whom he conjectures by very plain Tokens to be this Cardinal. It conſiſts of ſeventeen Chapters, wherein the Author lays down a Plan of the Reformation which was to be made in the Council of *Conſtance*. It contains very near the ſame Articles that we find in the foregoing Tracts, with this Difference, that *Zabarella* expreſſes himſelf with more Decorum than moſt of the others, with regard to the Pope and the Court of *Rome*. 'Tis neceſſary to give an Abridgment of it. The two firſt Chapters relate to the Reformation of Doctrine, eſpecially in *Bohemia*. The Author adviſes the putting into the Hands of the Clergy a certain Treatiſe of *Gerſon*, concerning the *general Principles of Faith*, after having caus'd it to be examin'd and corrected, if neceſſary. As *Gerſon* compos'd ſeveral Tracts upon Divinity in general, 'tis not eaſy to know which is that recommended here. This Chancellor of the Univerſity of *Paris* compos'd one in 1416, wherein he makes a Diſtinction between neceſſary Truths, Truths barely probable, ſuch as may be piouſly believ'd, and laſtly, ſuch Propoſitions as do not appertain to Faith. But I don't think that this was the Piece *Zabarella* alludes to, becauſe it was written at *Conſtance* on account of ſome Propoſitions which *Gerſon* had advanced concerning the immaculate Conception of the Virgin and even of *Joſeph* her Husband. Beſides, moſt of *Gerſon*'s Concluſions in this Treatiſe bear againſt *John Petit* and his Defenders. Therefore 'tis more probable, that the Work intended here is a *Compendium* or Abridgment of Theology which we find among the Works of *Gerſon*, but which however is not his, at leaſt as *M. Dupin* thinks. *Zabarella* ſays, 'tis the more neceſſary to recommend and propagate this Treatiſe, becauſe in many Dioceſes there's an infinite Number of People who know nothing of God, nor of the Things neceſſary to Salvation. He is of Opinion alſo, that the Council ſhould draw up certain Theſes or Articles founded upon the Holy Scriptures, and upon the Canon Law which is ſtudied in the Univerſities, and that they ſhould explain thoſe Doubts that may ariſe from both; that the *Extravagantes* (1), compos'd after the Council of *Vienne* ſhou'd be revis'd, and four Doctors choſen to examine the Books of Divinity, and to clear up the Difficulties in them, to the end that ſuch a Work may be authoris'd by the Council, when they have once given their Approbation of it. In the third Chapter 'tis demanded,

*V. d Hardt*, T. III. p. 526.

*Gerſ.* T. I. p. 24, 25, 26. T. I. p. 294.

*Gerſoniana*, fol. 44.

*Sacræ paginæ & juris quibus ſtudia aluntur.*

(1) Theſe are Decretals of *John* XXII, which are call'd *Extravagantes*, becauſe they are not in the Body of the Canon Law. The Council of *Vienne* was aſſembled in 1311.

that

that Deputies be appointed to conſider of the moſt proper Methods for uniting the *Greeks* to the Church, and to make a Report thereof to the Council. The fourth Chapter is taken up in the Conſideration of Ways and Means for avoiding Schiſm, in preſcribing Rules for the Election of Popes, and in preſſing the Neceſſity of the Reformation of the Church, firſt in its Head, then in its Members, in order for attaining to the Reformation of the Temporal Princes and their Lay Subjects. In the fifth, which relates to Worſhip, 'tis propos'd to ſhorten the Office, and to celebrate it regularly at ſet Hours, in decent Habits, with Decorum and Devotion; and finally, to retrench the Feſtivals which are not enjoyn'd by the Canon Law, becauſe the great Number of them makes labouring Men loſe a vaſt deal of Time, and entices Youth to Licentiouſneſs and Debauchery. The ſixth Chapter is employ'd in confining within juſt Bounds the Power and Authority of the Popes, which, ſays *Zabarella*, had been exorbitant for a long time. Therefore he wou'd have the Pope ſworn to the Confeſſion of *Boniface* VIII, and that ſuch Additions may be made to it as ſhall be thought neceſſary by the Cardinals, or even by any two of them. That the Pope ſhall promiſe to undertake nothing of Importance without the Advice of the Cardinals, and that his Bulls be accompany'd with this Clauſe, *By the Advice of our Brethren the Cardinals* (1). That the Popes ſhall grant no Exemptions; that they ſhall not alienate the Perſonal or Real Eſtate of the Church; that they ſhall not create Cardinals, nor depoſe any but in a General Council. That theſe Councils be aſſembled at leaſt every ten Years; and that in the laſt the Place be appointed for holding the next, ſo as that the Pope ſhall not order it in any other manner; that when it happens that ſome Cardinals oppoſe the Election of a Pope, ſo that the Pope Elect has not two thirds of the Suffrages, he ſhall be obliged to aſſemble a Council in the very Year of the Oppoſition, and at the Place appointed by the laſt Council, or if there was none then appointed, at ſome Place which is free, ſafe and unſuſpected, and where he has no Power as to Temporals. That the Popes ſhall not degrade any Prelate without citing him and convicting him by due Courſe of Law, nor tranſlate any againſt their Wills, or without Knowledge of the Cauſe. That they ſhall obſerve the Decrees of General Councils, and eſpecially thoſe of the Council of *Conſtance*. Laſtly, he wiſhes that Things may be ſo regulated, that hereafter the Popes may by the Piety of their Adminiſtration ſupport the Title which they aſſume of *Moſt Holy*. What he ſays relating to Cardinals, in the ſeventh Chapter, amounts to this:

(1) The Popes were come to that paſs, that they did *Things of their own accord, and of their own certain Knowledge.*

That

That in order to hinder the Papacy from becoming hereditary to any Nation, the Cardinals shall be chosen out of every Nation, and that there shall be but two or three of each, save only that they may chuse a greater number out of *Rome*, for the Honour of the See and its *Metropolitan*. He fixes them at the Number of twenty-four or thirty at most. He would have them be learned in the Scriptures and the Canon Law, except some of high Birth, and who may be expected to be Protectors of the Church. That none be elected who are not of Age, and born in lawful Wedlock. He also gives Advice for settling their Revenues so that they may subsist handsomely without being burdensome to the Churches; and above all, he forbids the giving them Benefices in *Commendam*, because 'tis a scandalous Practice. As to the Offices of the Court of *Rome*, which the Author speaks of in the eighth Chapter, 'tis his Opinion that they ought to be given only to Merit and Capacity, and that they should be for Life, unless in case of Misbehaviour. That every one swear to acquit himself well in his Office, and to confine himself to it, without incroaching upon the Office of another. That there be a Cardinal appointed to keep a Register of all important Affairs that shall be regulated by the Pope and Cardinals. That the Regulations of *John* XXII. concerning the Offices of the Court of *Rome* be observ'd. That the Number of *Writers* and *Abridgers* be lessen'd, there having been many who knew not how to write or indite, and who had only sollicited for those Posts to put Money into their Pockets. That Elections be confirm'd according the Common Law. That the demanding and granting of Dispensations contrary to the said Law, and contrary to the Decrees of the General Councils, be hinder'd under certain Penalties. That there be severe Penalties also for restraining all manner of Violence, Surprize, Caballing, and Simony in Elections, and in the Collation to Benefices. That the Bull of *Innocent* III, which condemns Elections made by the *Abuse of the Secular Powers*, and that of *Alexander* III. concerning the Manners, Capacity, Age and Birth of the Bishops and other Clergymen, be exactly observ'd. He spends the rest of the Chapter in shewing the great Advantages which would redound to the Church from the Reformation of the Pope, his Court, and the *Roman* Chancery. The Design of the following Chapters is to regulate the Manners of the other Clergy on the same Foot in proportion. He would have them obliged to take Orders by such a Time, and not to hold incompatible Benefices, nor too many others; that they should reside in their Churches without being excus'd on any Pretence whatsoever; that when Kings and Princes shall ask Advice of Bishops and other Prelates, they shall give it in Writing or by Deputies; and that if they are sent for in Person, they shall return to their Churches when their Presence

*Decretal*, L. I. Tit. VI. cap. 48.
*Ibid.* cap. 7.

Presence becomes no longer necessary at the Courts to which they are call'd. That they shall carefully visit their Churches, not to extort Money from them, but to correct the Manners thereof; and that they shall not from any base and sordid Self-interest tolerate or wink at the Faults of their Parishioners (r); but inflict severe Discipline upon the Guilty. Here are very good Advices for regulating the Manners of the Clergy and Monks. The Author is not for admitting into any Religious Order either Men or Women that are not attain'd at least to the Age of Puberty. He wou'd have good Orders prescrib'd to hinder the Fornication of the Priests, of whom he says, it were better they were permitted to marry (s). He seems to incline very much in favour of this Permission. He appears to be very averse to the Pomp and Luxury of the Prelates, and thinks they wou'd do much better to employ their Revenues in the Maintenance of able Clergymen, than to have so long a Train at their Heels, and so great a Number of useless Domesticks. He is offended at the Whimsicalness and Costliness of the Dress and Equipages of the Cardinals, Bishops and Abbats, who with their lac'd and embroider'd Habits, and in the Caparisons of their Horses, resemble military Men more than Ecclesiasticks. He then urges the Necessity of holding General and Provincial Councils frequently. He says, that the Pope has no Right to dispense with any body's Observation of the Decrees of an Oecumenical Council, unless it be in Cases of great Necessity, and with the Consent of two thirds of the Cardinals. He wou'd have those Prelates severely punish'd who shall dispense with their own Appearance in Council, unless they are sick or produce valid Reasons for their Absence. As to the Ambassadors of Kings and Princes, he thinks it just to admit them there, if they require it, but especially those of the Emperor, who, when he can, is also obliged to be there in Person. The most eminent Doctors of Divinity and Law ought likewise to be call'd. The Intent of the fifteenth Chapter is to shew the Abuses of Exemptions granted to Churches, Chapters, Monasteries, and the military Orders, especially in *France*, where, he says, that almost all the Monasteries and Chapters are exempt from the Jurisdiction of their Ordinaries. This Tract concludes with some Reflections against frequent Excommunications for Debts or small Faults, especially with regard to that Time when the Antipopes had almost excommunicated all Christendom. The Author founds his Sentiment on that of *Gerson* in his Treatise of the *Spiritual Life of the Soul.*

(r) *Hodie enim talia venalia sunt, &c. potius ad munera*, i. e. For at this Day such Things are bought and sold with Money, *V. d. Hardt*, T. I. p. 525.

(s) *Præstaret permittere conjugium Clericis. Et de hoc etiam disputatur.*

XVIII. It

*Gerſon*'s Opinion about Excommunication, *Gerſ.* T. III. p. 48.

XVIII. IT is proper to hear what *Gerſon* ſays, becauſe 'tis an important Subject. His Advice is reduced to theſe ſix Propoſitions.

1. IT wou'd be expedient not to pronounce Sentence of Excommunication, but in caſe of manifeſt Rebellion; as when 'tis apparent that any one refuſes to hear the Church (1). But when there's a palpable Impoſſibility of obeying the Commands of the Church, the Excommunication being unjuſt, he who in ſuch caſe is excommunicated by the Church is not ſo before God: Nor does every kind of Diſobedience ought to be deem'd as Rebellion; becauſe a Man, thro' Weakneſs of Mind or Paſſion, may fall into ſome Error, which wou'd indeed deſerve Excommunication, but which ought to be pardon'd, when he ſhews himſelf ready to undergo the Correction of the Church.

2. A PERSON ought not to avoid correſponding with a Man that has deſerv'd to be excommunicated, before the Sentence has been pronounced by his Judge; becauſe it may reaſonably be ſuppos'd that he will not be excommunicated. 'I ſee, *ſays he*, for inſtance, a Man that 'kills or wounds a Prieſt; but I ought not therefore to look upon 'this Man as excommunicated, becauſe he may have had an Order 'to kill that Prieſt, or may have done it when he was drunk, or in 'ſome Tranſport of Rage that was his Maſter. By the ſame Prin'ciples, *continues he*, a Pariſhioner ought not to ſhun his Parſon, 'nor to abſtain from going to hear Maſs or a Sermon, under pre'tence that the Parſon is fallen into ſome Crime worthy of Excommu'nication, till the Sentence is pronounced according to Law, becauſe 'he may ſuppoſe that the Prieſt will repent, and that his Prelate 'will grant him Abſolution'. *Gerſon* finiſhes his ſecond Propoſition with a very good Remark. *I have heard it ſaid of* Urban V, ſays he (2) *that he valued himſelf upon being a Pope, eſpecially becauſe he was not liable to Excommunication; but if he had lov'd his Neighbour as himſelf, he wou'd have made many others Sharers in that Freedom, and wou'd not have hamper'd ſo many People in the Bonds of Excommunication.*

3. IT wou'd be proper to revoke and make void not only in the Catholick Church, but in the Provinces and Dioceſes, all the Sentences of Excommunication pronounced unjuſtly, becauſe Excommunication being the Phyſick of the Soul, it muſt not be given to People who are like to be made ſick by it inſtead of being cur'd. This ſtrikes particularly at General Excommunications which were at that time very frequent, becauſe the Corruption was univerſal, eſpecially

(1) I made this Remark upon Occaſion of *John Hus*.

(2) *Urban* V. was elected in 1362, and died in 1370.

among the Clergy. ‘ 'Tis, *ſays he*, an unprofitable and dangerous ‘ thing to paſs general Sentences of Excommunication upon fornicating Prieſts, becauſe then they muſt all be excommunicated almoſt to ‘ a Man. Beſides, ſince Concubines are tolerated, is it ſurprizing that ‘ Prieſts ſhou'd be Fornicators? and is it not better for them to go ‘ to Whores by Profeſſion, than to debauch the Wives and Daughters of their Pariſhioners.

4. A PRIEST, who is only excommunicated *de Jure*, and not actually by a Sentence according to Law, ought not to be tax'd with *Irregularity*, tho' he ſhou'd receive or give the Sacraments, when even in a State of mortal Sin. This Propoſition is founded upon the ſame Reaſons almoſt as the former.

5. THE fifth Propoſition is, that a Sentence of Excommunication ought only to be paſs'd for Rebellion or Obſtinacy in Cauſes purely ſpiritual, as againſt Hereticks, Schiſmaticks, or their Abettors, and when the Crimes tend manifeſtly to the Deſtruction of the Faith, and Liberty of the Church: The Reaſon is, that Excommunication being a Puniſhment purely ſpiritual, it ought not to be made uſe of to defend or preſerve Eſtates merely temporal, nor for Cauſes entirely ſecular, becauſe temporal Eſtates ought not to be ſued for or claim'd with more Loſs or Risk to the Debtor, than there would be Profit accruing to the Creditor, in caſe he recover'd them. Now Excommunication, *ſays the Author*, does greater Miſchief than all temporal Eſtates can do good. This Propoſition relates particularly to the Excommunications which the Popes or Prelates fulminated againſt thoſe who did not pay their *Procurations* for their Viſitations, or other real or pretended Debts.

6. IT were better to tolerate certain Abuſes, or to turn them to ſome good Uſe, than to undertake to extirpate them by Excommunications, or by Sermons that are too ſharp. This Propoſition, as well as the preceding ones, ſuppoſes Abuſes ſo general that they cannot be remedy'd without involving almoſt all Mankind in the Excommunication. The Author here makes very great Uſe of the Direction of the Intention. ‘ For inſtance, *ſays he*, the Honours ‘ which the Pagans paid to *Ceres* in the Month of *February* are transferr'd to the Virgin *Mary*, thoſe that were paid to the Emperor ‘ *Auguſtus* are transferr'd to St. *Peter*; and the *Pantheon*, which was ‘ the Temple of all the Idols, is converted by the Pope into the ‘ Church of *All Saints*'. Thus, ſays *Gerſon*, ſome Offences might be remov'd by directing the Intention. ‘ If a Prieſt, *ſays he*, for inſtance, ‘ ſays Maſs, if a Canon ſays the Canonical Hours, if another goes ‘ to perform the Office of Burial for Money, he is only to look upon that Money not as the Price of ſpiritual Things, but as a ‘ Means of ſubſiſting him that officiates.

Memorial of the Cardinal *de Piſa* upon the Reformation. *V. d. Hardt*, p. 558.

XIX. To *Zabarella* we may add another *Italian* Cardinal, *viz.* *Alaman Adimar*, Cardinal of *Piſa*, who preſented a Memorial to the Council concerning the Reformation, in which he inſiſts particularly upon the Neceſſity of giving Paſtors to the Church, who are diſtinguiſh'd for their Knowledge and Probity. The reſt of the Memorial tends only to confine the Power of the Popes within the Terms of the Canon Law, in what relates to the Collation to Benefices. This Cardinal had been advanced to the Purple by *John* XXIII, in reward for the great Services he had done him in *France*, to which Kingdom the Pope had ſent him Legate.

*John* XXIII. ſhuffles off the Reformation.

XX. THE Buſineſs of the Reformation being thus concerted, there ſeem'd nothing more to be done than to put the Plan in Execution. As *John* XXIII. preſided at the Council all the Time that he was there, the Care of this Matter devolv'd upon him. In the Conference at *Lodi*, he had promis'd the Emperor to go about it at *Conſtance* in good earneſt. Accordingly, ſoon after he arriv'd there, this Affair was firſt broach'd in a Congregation of Cardinals, wherein Mention was made of the Reformation of the Pope, and wherein the Cardinal of *Cambray* preſented a Memorial, whereby he treated all thoſe who ſhould offer at diſſolving or proroguing the Council before the Reformation was finiſh'd, as the Abettors of Hereticks. But all thoſe Debates were to no purpoſe as long as the Pope did not decline his Authority. Being at length obliged after ſeveral Delays to make his Reſignation, he ſolemnly promis'd to ſubmit to every thing that the Council ſhould order for the Reformation of the Church in its Head and Members. He thought his Flight wou'd be a ſure Way to blaſt all the Hopes of the Council upon this Head. But he was miſtaken in it, for ſome Days after his Eſcape, the Council having been declared legal notwithſtanding the Pope's Abſence, unanimouſly reſolv'd that it ſhou'd not be diſſolv'd till the Church was reform'd.

*V. d. Hardt*, T. IV. p. 24, 25.

The Reforming College, *Gob. Perſ. Coſmodr. Æt.* 6. cap. 94. p. 340. *V. d. Hardt*, T. IV. p. 121, 135. *V. d. Hardt*, T. IV. p. 355.

XXI. AFTER that Time, there were great Debates whether or no the Cardinals ſhou'd be admitted into the Aſſemblies when the Affair of the Reformation was on the Carpet. They were at length determined, at leaſt in part, to their Satisfaction; for to the Deputies of the Nations, who were nominated to draw up the Plan of the Reformation, three Cardinals were added, *viz.* the Cardinal *des Urſins*, the Cardinal *d'Aquileja* and the Cardinal *de Cambray*. So that this Reforming College, which was appointed *June* 15, 1415, conſiſted of nineteen Perſons, *viz.* three Cardinals, four Deputies of each Nation, as well Biſhops as Doctors of Divinity and Law, as we before obſerv'd in this Hiſtory. On the 4th of *July*, *Gregory* XII. approv'd the Council of *Conſtance*, and all that it ſhould tranſact for the Union and Reformation of the Church; and upon the ſame Day, *Sigiſmond*, in Quality of Protector of the Council, promis'd to

maintain it with all his Power, and not to ſuffer it to be diſſolv'd till the Reformation was made.

XXII. THO' every body ſeem'd to have it much at heart, yet it was carry'd on for a long time with very great Negligence and Slowneſs, becauſe all the Commiſſioners were not equally hearty for this great Work. Beſides, as the ſame Commiſſioners that were appointed for the Reformation were alſo Deputies in the Cauſes of Faith, they were willing, no doubt, to diſpatch the latter firſt, according to the uſual Method of Councils which give Matters of Faith the Preference to all others. This Queſtion was very hotly debated at the Council of *Trent*, *viz.* Whether Matters of Faith ſhould be treated of before they proceeded to that of the Reformation. The Emperor *Charles* V. and the *Germans* were for having the Reformation precede, ſuppoſing that it were better to aſſwage the Rancour of the Proteſtants by good Regulations, than to exaſperate them by Condemnations. But the Pope's Party ſtrongly oppoſing it, for many Reaſons (1), it was reſolv'd to treat of both Affairs at the ſame time, tho' in different Congregations. I don't find by the Acts that the ſame Queſtion was debated at the Council of *Conſtance*; but it was decided with a Vengeance by the Precipitancy with which they proceeded againſt *John Hus*; yet I don't think the Council was really diſpos'd to give the Preference to Matters of Faith, which ſeem'd to fall in accidentally into the Writs for Calling this Aſſembly. Its principal and conſtant View was the Union and Reformation of the Church, as appears from all the Acts. The Bull of *John* XXIII, which was read in the firſt Seſſion, places theſe two Articles firſt; and in the Decrees of the former Seſſions to the eighth excluſively, Mention is only made of the Union and Reformation, tho' Commiſſioners had already been nominated for the Affair of *John Hus*. But upon this Subject, 'tis proper to hear what is ſaid by an Author who was extremely jealous for the Faith of the Church of *Rome*. This is *John Cochlæus*, who in his ſecond Book of the *Huſſites* War, maintains, and repeats it ſeveral times, that the principal View of calling the Council of *Conſtance* was not to condemn the Doctrine of *Wickliff* and *John Hus*, which had already been ſufficiently condemn'd by the Popes and Councils, but to unite and reform the Church; and that it was only owing to the repeated Inſtances of *Sigiſmond* that the Council meddled with the Affairs of Religion in *Bohemia*.

The Diligence of the Commiſſioners for the Reformation.

*V. d. Hardt*, T. IV. p. 18.

XXIII. BE this as it will, the Commiſſioners for the Reformation met uſually in the Refectory of the *Cordeliers*, where lodged the

Several Aſſemblies of the College for the Reformation. *V. d. Hardt*, T. IV. Faſt. p. 31.

(1) Pontificii quoc jam ſæpius inſinuauimus, contraria ſemper & ſenſerant & prædicaverant, *Pallavic Hiſt. of the Council of* Trent, L. IV. cap. 7.

Deputies of the *German* Nation. I don't find they had any Aſſembly till the Month of *Auguſt*, 1415. Dr. *Von der Hardt*, who has publiſh'd a very exact and circumſtantial Journal of this Council dates their firſt Aſſembly on the 20th of that Month. They then took into Conſideration the Tranſlations of Biſhops. The ſecond Aſſembly was held on the 30th of that Month to treat of the Abilities requir'd in the Clergy. The third is placed in the Beginning of *September*, the Buſineſs of which was to regulate the Authority of the *Prothonotaries*. In the fourth and fifth, which were held on the 13th and 14th of the ſame Month, Mention was made of the Collation to Benefices, and of the Diſpenſations granted by the Popes, which Affair came on alſo in the ſixth Seſſion that was held on the 16th, when ſeveral Reſtrictions were made to thoſe Diſpenſations. The ſeventh, which was held on the 30th of *September*, treated of the Privileges and Exemptions of Monks and Monaſteries. In the eighth, which was held on the 1ſt of *October*, they diſcours'd of the wicked Oaths taken by the Canons. The ninth, which was held ſome Days after, reſolv'd to hold Provincial Councils frequently. In the tenth, which was upon the 19th of *October*, two Things of a different Nature were diſcuſs'd. The one related to the Benefices of Monks, foreign to their Orders; and the other, to the Examination of thoſe who were to receive Ordination. In the eleventh, which was held on the 21ſt of the ſame Month, they took into Conſideration the Ability or Eſtates of the Friers. In the twelfth and thirteenth, which were held on the 5th and 6th of *November*, it was regulated, that no Perſon ſhou'd have more than two Prebends in Cathedral Churches; they were for revoking the Diſpenſations granted by the Popes for incompatible Benefices *(a)*, and Biſhops were order'd to reſide in their Dioceſes. In the fourteenth Seſſion, on the 9th of *November*, they treated of the Learning requiſite in ſuch as ſhou'd be admitted to Holy Orders. The fifteenth, which was form'd on the 16th of *November*, took Meaſures againſt Simony. The Day before, *Gerſon* had read a Treatiſe upon Simony, which ſerv'd as a Model for the Debates of this Aſſembly. In the ſixteenth, which was held on the 19th of *November*, they reſum'd the Conſideration of the Learning and Capacity requir'd in Biſhops, Abbats and Prelates. Next Day they treated of the Unions of Churches, and of the Eccleſiaſtical Revenues. That was the ſeventeenth Aſſembly. In the eighteenth, which was held on the 22d, they diſcuſs'd the Affair of Exemptions; and in the nineteenth, which was on the 25th, they treated of the Caſes referr'd to the Apoſtolical See. After that Time, I don't find any Mention of an Aſſembly either in the Acts or Dr. *Von der Hardt*'s Journal: Yet there muſt have been many others, as will appear from a great number of Articles

(*a*) As to incompatible Benefices, conſult Father *Paul*'s Hiſtory of the Council of *Trent*. *V. d. Hardt*, T. IV. Part IV.

Articles that were agreed upon in the Reforming College, and of which there is no Notice taken in the Aſſemblies juſt now mention'd.

XXIV. 'Tis certain that this Affair did not go forward to the Satisfaction of the Nations, as the *Germans* complain'd publickly on the 19th of *December* in the ſame Year 1415. However, the Deputies did not want either Learning or Encouragement to diſcharge their Commiſſion well. Upon this we have already ſeen the Pieces compos'd by *Clemangis*, *Peter d'Ailli*, *Geſon* and *Zabarella*, which might ſerve them as a Model. After the Opening of the Council, there hardly paſs'd a Month but the Doctors preach'd ſome Sermon to exhort them to ſet about it in good earneſt. They were ſpurr'd on to it by all manner of Incentives. Tragical Complaints, Elegies, Satyrs, publick and private Pieces authoris'd and diſown'd; in ſhort, nothing was omitted to ſhame the Clergy, and to encourage thoſe upon the Point of Honour who had a Voice in Chapter in this Aſſembly. Many of theſe Pieces are extracted from the Manuſcripts of *Vienna*, and particularly an anonymous Letter to *Sigiſmond*, wherein, after having repreſented the Church as a Body mortified all over from Head to Foot, the Emperor is vigorouſly exhorted to remedy this univerſal Contagion.

Complaints of the *Germans* [illegible] the Slowneſs of the Reformation. *V. d. Hardt*, T. IV. p. 556.

*V. d. Hardt*, T. I. Part XIV.

XXV. THE Library of *Leipſic* has furniſh'd a very fine Harangue upon the Subject which was pronounc'd by the Archbiſhop of *Gneſna* before the Emperor, whom he compar'd to *Conſtantine the Great*, to intreat him not to be diſcouraged at the great Difficulties which he may meet with in the Execution of an Affair ſo important and ſo much thwarted by the Avarice and Ambition of the Clergy. I only ſpoke incidentally of this Piece at the Beginning of this Hiſtory, becauſe it being not dated I knew not well where to place it. It muſt have been pronounced before the Eſcape of *John* XXIII, becauſe the Archbiſhop ſays, that at the *Nicene* Council there were but two Prieſts of the Church of *Rome*, whereas the Pope himſelf and the College of Cardinals were at that of *Conſtance* (1). I have inſerted thoſe Speeches in their Place, when I was able to come at the Date of them, and when I found any thing in them that was remarkable. Dr. *Von der Hardt*, who has done me the Favour to communicate a Volume of them to me taken out of the Library of *Erfordt*, gives the World Hopes of an Edition of all thoſe Speeches made at the Council of *Conſtance* upon the Subject of the Reformation; which will undoubtedly be a very fine Preſent. Theſe Pieces belong to the Hiſtory of this Council; and tho' they are not written in the *Goſ-*

Speech of the Archbiſhop of *Gneſna* concerning the Reformation.

(1) Ipſe Apoſtolicus adeſt & ſacrum Collegium, *V. d. Hardt*, T. I. p. 512

of

of our Age, yet they are valuable, were it only to shew how far the Church was corrupted, and how universally the Reformation was desired.

Articles of the Reformation agreed upon in the Reforming College, and imperfectly executed by the Pope.

XXVI. The cutting Reproaches which were cast upon the Clergy from all the Nations by the Mouths of their most able Doctors, no doubt, reviv'd the Zeal of the Commissioners, who were re-inforced by those who were nominated for the *Spanish* Nation, after it was united to the Council. *Gobelin Persona (a)* says, that when *Benedict* was depos'd, they chose learned Men to go about the Reformation, which can only be look'd upon as a Continuation or Renewing of the same Deputation. It was at this Time that the Broils happen'd that have been mention'd at large concerning the Reformation of the Church and the Election of the Pope, in order to know which of those two Affairs shou'd be dispatch'd before the other. This Dispute, which lasted a great while, was enough to slacken the Zeal of the Commissioners. At least the Cardinal of *Cambray* complain'd of it publickly, tho' he was one of those that was for having the Election precede the Reformation. However 'tis very probable, that all their Articles were agreed upon before the Month of *October*, 1417. For upon the 9th of that Month several of those Articles were confirm'd in a publick Session, wherein it was declar'd, that the Pope who shou'd be elected, shou'd reform the Church, in Conjunction with the Council, according to the Articles that had been before agreed upon by the Deputies of the Nations. We have seen after what manner the Execution of those Articles was evaded by *Martin* V. after his Election.

(a) *Gob. Pers. Cosmodr.* p. *m.* 344.

Resolutions of the Reforming College.

XXVII. BUT tho' the Pope did not think to execute the Plan of the Deputies of the Nations, yet 'tis not just that the Publick shou'd be depriv'd of so considerable a Part of this History. By this we shall see what was done by the Deputies of the Council, and that it was none of their Fault that a great Part of the Prayers of the whole Church upon this account was not heard. The Pieces we are going to mention, and which are taken from the Manuscripts of the Library of *Vienna* are owing to the Diligence of Dr. *Von der Hardt*. There are four of them very authentick. They contain all the Resolutions of the Commissioners concerning the Reformation. The two first are two Protocols of the Reforming College written in the several Assemblies of the Commissioners. The first is intituled, *Avisamenta Reformatorum Concilii Constantiensis*, that is to say, *The Opinion of the Reformers at the Council of* Constance; and it was subscrib'd, Finish'd the 8th of *October*, 1416, by the Scribe of *Nicholas Elstraw*. This *Elstraw* was a Doctor of *Canon Law*, Secretary to the Archduke of *Austria*, his Envoy at the Council, and by consequence a Man of Credit. The second Piece is sign'd by

*V. d. Hardt*, T. I. p. 518.

by *John Dorre*. He was alſo a Doctor of the *Canon Law*, a Dean of St. *Andrew*'s Church at *Worms*, and he was regal'd by *Martin* in the Council itſelf with ſeveral Prebends. The two firſt Pieces are ſo like one another, that *Von der Hardt* has contented himſelf to give but one of them by adding the Variations in the Margent. It contains forty-four Chapters. The third Piece is an Abſtract or Summary of the Decrees of the Reforming College in ten Chapters. The fourth is a ſort of Body of Canon Law, which the Council of *Conſtance* was for adding to the ordinary Canon Law to ſerve as a Supplement and Amendment of it. This Piece is intitul'd, *Aviſamenta ſecundum aliquas Decretalium Rubricas pro Reformatione congrua facienda*, i. e. Advices founded upon ſome of the Rubricks of the Decretals to make the Reformation agreeable. 'Tis divided into Five Books, and ſubdivided into Chapters and Rubricks according to the Method of the Decretals; therefore *Von der Hardt* calls it very properly the *Decretals of the Council of* Conſtance *touching the Reformation*. From theſe four Pieces I ſhall collect as faithfully as I can all that was agreed upon for the Reformation by the Commiſſioners. 'Tis fit to obſerve, that every Regulation of the Reforming College is always made in the Name and by the Authority of the Council in theſe Terms, *The Synod Statutes and Decrees*; becauſe thoſe Regulations having been agreed to by the Nations, they muſt have been approved without Contradiction by the Council itſelf, as was the Practice in all other Affairs. Nevertheleſs I ſhall always ſay, *The* REFORMING COLLEGE, and not *The* COUNCIL, *ordereth*.

XXVIII. ACCORDING to the Order of the Protocol, the firſt Thing that was brought upon the Tapis related to General Councils, to Remedies againſt the Schiſm, and to the Confeſſion which was to be made by the Pope before his Coronation, which we may ſee at length in this Hiſtory at the XXXIXth Seſſion. To this Article may be added that of the Provincial Councils. 'Tis order'd, that one ſhall be aſſembled every three Months at leaſt. That thoſe Councils ſhall hold eight or ten Days. That the Metropolitans and Biſhops ſhall be obliged to be preſent at them, on the Pain of being depriv'd of their Juriſdiction and of their Revenues, which ſhall revert to the Chapters to be apply'd to pious Uſes, unleſs ſuch Prelates alledge indiſpenſable Reaſons of their Abſence. As to the Synods of the Biſhops, the Reforming College would have them meet every Year, to hold always five Days, and that the Biſhops be obliged to be preſent at them under the ſame Penalties. That if the Archbiſhops delay four Years to aſſemble the Provincial Councils, or the Biſhops delay two Years to call their Synods, they ſhall give an Account thereof to the General Council, who, if the Caſe requires it, may deprive them of their Offices.

Of Councils.

*V. d. Hardt*, T. I p. 631, 632.

XXIX. ORDER

Of Popes. That they ought not to give Judgment in any thing of Importance without the Advice of the Cardinals, or even in certain Caſes without the Approbation of a General Council. *V. d. Hardt*, T. I. p. 588, to 592.

XXIX. ORDER demands that here we ſhou'd place the Regulations which concern the Popes. As it was highly neceſſary to limit their Power, that was the principal Thing the Reforming College attended to. They order therefore, that, according to ancient Cuſtom, the Popes ſhall not decide any Matter of Importance without the Advice and Subſcription of the College of Cardinals, or the Majority thereof. Among thoſe Cauſes or Affairs which the Popes are not to decide ſolely, are reckon'd Cauſes of Faith, the Canoniſation of Saints, the Appointing of Jubilees, the Erection, Suppreſſion, Diſunions or Unions of Cathedral Churches and Monaſteries, the Promotion of Cardinals, the Tranſlations of Patriarchs, Archbiſhops, Biſhops and Abbats, or their Degradation, the new Grants of perpetual and real Privileges, the Revocation of Exemptions granted by the preceding Popes to Churches, Monaſteries, *&c.* the new Exemptions, the Conſtitutions touching Peace or War, Legations *à latere*, &c. They alſo require that the Popes wait for the Deciſion of a General Council in the moſt important Caſes: Which Caſes are put down in the XXXIXth Seſſion.

*Corvini Jus Canon.* L. I. Tit. III. n. 6.

THIS Regulation is contrary to a New Canon Law, which ſays, that the Pope may judge ſolely of the major Cauſes, and all thoſe we have juſt now reckon'd up. 'Twas by virtue of this new Law, that Bulls were diſpatch'd every Day *of the Pope's own accord*, which gave a Handle to very great Abuſes, by the ill Uſe which the Popes themſelves made of their Authority. To remedy this Diſorder, the Reforming College orders, that the Pope's Letters, whether of Juſtice or Grace, ſhall be diſpatch'd in the Chancery, and ſhall have no Force any where, unleſs they are ſeal'd with the Seal of that Chancery. That the Letters of the Apoſtolical Chamber ſhall likewiſe be ſeal'd with the Seal of the ſaid Chamber. As to the Bulls, wherein Mention is made of the Advice of the Cardinals, they muſt be ſign'd at leaſt by three of this College.

*V. d. Hardt*, T. I. p. 596.

In what Caſes a Pope may be judged and depoſed.

XXX. It was alſo a Maxim of the New Canon Law, that a Pope cou'd not be judg'd nor depos'd but for Cauſe of Hereſy; and it was upon this Foundation that *John* XXIII. flatter'd himſelf that he could not be depos'd, notwithſtanding the enormous Crimes of which he was accus'd. But this Foundation prov'd ruinous. For they who were not willing to conteſt the common Maxim, affirm'd at the ſame time that the Schiſm contain'd indirect Hereſy againſt the Article of the *Unity of the Church*, eſpecially when it was obſtinately perſiſted in. As for the others, they did not think it was neceſſary to give themſelves any Trouble to find Matter of Hereſy againſt *John* XXIII, becauſe they could depoſe a Pope for his Behaviour as well as for his Faith. The College made a Decree upon it which

deſerves to be perpetuated to Poſterity. This is the Subſtance of it. 'The higher the Pontiff of *Rome* is advanc'd above all other Guides 'of the Church, the more ought he to ſhew his Superiority over 'them, in the Sanctity of his Manners, and by a Reputation Proof 'againſt all manner of Attacks. He ought not to aſſume the Title 'of *Moſt Holy*, if he does not approve himſelf to be ſuch by a Con- 'duct unblameable. He ought to ſhine in the Church with a Light 'the more glorious, becauſe 'tis from him that all the other *Lumina-* 'ries are to derive their Power, Luſtre, Purity and Vivacity: Ne- 'verthelefs, if it ſhould happen, which God forbid, that the Pope 'ſhould lead a bad Life, and that abandoning Heaven, he ſhould 'cleave to the Earth, by committing capital Crimes, and damnable 'Actions, he ought to remember the Fate of *Lucifer*. Tho' there 'is nothing more terrible than the Great Day of Judgment, the Pope 'however ought not to flatter himſelf, that his Puniſhment will be 'ſo long deferr'd, becauſe God exerciſes his Judgments here below 'by his Church, which is repreſented by General Councils. For 'theſe Cauſes, the Reforming College declares and determines, by a '*perpetual Decree*, that the Soveraign Pontiff may be puniſh'd, and 'even depos'd by an Oecumenical Council, not only for Hereſy, but 'alſo for Simony, and for every other notorious Crime of which he 'has been ſolemnly admoniſh'd, if he prove incorrigible one Year 'after ſuch Admonition, which ſhall be given him by two Thirds of the 'Cardinals aſſembled in the College, or by three different Nations 'under the Government of three different Kings.'

*V. d. Hardt*, T. I. p. 594, 595.

XXXI. THE Popes make an ill Uſe of their Power in ſeveral other Reſpects, particularly by *Reſervations*, *Diſpenſations*, *Exemptions*, *Tranſlations*, *Unions*, *Reverſions*, &c. As to the Reſervations (1), the Reforming College forbids the Popes for ever hereafter to reſerve to themſelves the Spoils of Biſhops, and the Revenues of Benefices, during their being vacant, as well as the *Procurations* or Proviſions ſet apart for the Biſhops and the other Prelates, while they viſit their Churches. It makes void all *Graces* or *Commiſſions* by which thoſe vacant Benefices and Procurations had been reſerv'd to the Apoſtolical Chamber; and forbids the See of *Rome* to permit the Prelates to make their Viſitations by a Proctor, unleſs it be in Caſe of Sickneſs, or ſome other Neceſſity, which ſhall be expreſs'd in the Letters of Permiſſion, without which they ſhall be of no Virtue. The Reforming College adds, as by Way of Advice, that if the Court of *Rome* does not execute this Decree, it were proper it ſhould be

Reſervations aboliſhed *V. d. Hardt* T. I. p. 610, 611.

(1) As to the Reſervations, ſee *Ge ſon*, ap. *V. d. Hardt*, T. I. Part v. Cap. 22, 23. *Petre d'Aillí*, ib. Part vi. Cap. 2. and Part vi. Cap. 3, 6, 9 [illegible]. *Jerome a Caſia*, p. 118. *Marſilier*, p. 289, [illegible]

(*a*) *Marsolier*, p. 328

(*b*) Council of *Trent*, S. XXIV. Cap. 19. *de Reform.* Father *Paul's* Hist. of the Council of *Trent*, Lib VIII. p. 735.

(*c*) *Marsolier*, p. 328, 353.

(*d*) *Pallavicini's* Hist. of the Council of *Trent*, Lib. XXIII. Cap. 12.

suspended from its Offices till Restitution was made; and that the Officers of the said Court, who should undertake to exercise their Offices during the Time of Suspension, shou'd be *ipso facto* excommunicated. As to the Reservations, I shall observe by the Way, that the *Mental Reservations* of Benefices, which differ'd from others in their not being made *publick*, were not at that Time introduc'd (*a*). *If any Benefice happen'd to be vacant, and the Ordinary conferr'd it, or any body went to the Court of* Rome *to sollicit it, the Datary return'd Answer, that the Pope had made a mental Reservation to bestow it upon whom he shou'd think fit.* 'Tis pretended (*b*), that the last Reservations were invented by *Julius* II, and *Leo* X. They were forbid by the Council of *Trent* in the XXIVth Session; but no Order was made in it, as to the other sort of Reservations, as *M. Marsolier* (*c*) has observed according to Father *Paul*; tho' *Palavicini* (*d*) differs from them.

Regulations concerning the Pope's Dispensations, *V. d. Hardt*, T I. p. 614, 619. *Sext. Decret.* I. VI. 14.

XXXII. SEVERAL Dispensations, which the Court of *Rome* granted profusely to the Clergy, were the Source of a thousand Disorders in the Church. Upon this Head I find several Regulations of the Reforming College. 1. Popes are forbid to dispense with Bishops and Abbats Elect to take Orders within the Term of three Months, prescrib'd by the Canon Law, unless it be with the Consent of the Majority of the Cardinals, and for some good Reason to be express'd in the Letters of Dispensation (1); nor shall the Term be extended above one Year, under any Pretence whatsoever. 2. The Popes are forbid to permit the Bishops and Abbats to possess more than one Bishoprick or more than one Abbey, unless it be by Consent of the Cardinals, and for important Reasons, which must also be express'd in the Licence; such as, for instance, the Learning or Quality of the Benefic'd Person, and the Meanness of the Benefice, according to the Constitution of *Innocent* III. at the Council of *Rome*, in 1216; and all Dispensations thereupon granted during the Schism are made void. *M. Marsolier* observes, that in 1320. *John* XXII. reduc'd the Dispensations for the Plurality of Benefices to two only: But the Popes afterwards granted them so profusely, that, according to *Clemangis*, there were Clergy-men who possess'd to the Amount of five hundred great Benefices. It seems however, that the Reforming College limits its Prohibition in some Measure; for it says in the Sequel of the Decree, that Dispensations ought not to be granted for enjoining three Benefices at the same Time, but in Consideration of some eminent Learning, or great Quality; unless it be in certain Countries where Benefices are very mean, as in *Apulia*, and some Parts of *Spain*,

Decretal III. p. 58.

*Marsolier*, p. 253.

*Clemang. de Corrupt. Eccl. Statu.* Cap. XII p. 11.

(1) The same Thing was order'd at the Council of *Trent*, Session VII. Cap. 12. *de Reform.*

where

where the Reformers allow the granting of Diſpenſations for four Benefices. But they will not have the Diſpenſations to reach to more than two Benefices in *England*. They forbid the Pope to permit the Canons to have more than two Prebends in a Cathedral, and to receive daily Diſtributions in more than one Benefice, and the Monks are forbid to have Benefices in different Orders. *Clemangis* complains that in his Time, *the Monks were at the ſame Time Friers, Canons Regular and Secular; that under one and the ſame Habit they poſſeſs'd the Prerogatives, Offices, and Benefices, of all the Religions, Orders, and Profeſſions.* The Reforming College is for engaging the Popes to publiſh immediately after their Election, a Bull to oblige the Archbiſhops, Biſhops, Abbats, and other *Exempts*, to ſwear, when they are promoted, that they will reſide ( ) in their Dioceſes or Monaſteries, which Bull ſhall condemn them to the Loſs of their Benefices, if they are ſix Months abſent without the expreſs Leave of the Apoſtolical See, which Licenſe ſhall only be granted by the ſaid See for important Reaſons, to be ſpecify'd in the Letters: As for inſtance, when their Preſence is wanted at the Court of *Rome*, or when they are to proſecute in that Court, or elſewere, the Affairs of their Churches; or finally, when they ſhall be call'd by any Kings or Princes to ſerve them in their Councils, tho' in this latter Caſe the Number of the Prelates ought to be limited, as well as the Time of their Abſence: However, they are permitted to ſtay in the Places near their Cathedrals, provided that they are in their Dioceſes, and that they repair to their Churches on the ſolemn Feſtivals, as *Chriſtmas*, the *Circumciſion*, *Epiphany*, *Eaſter*, *Aſcenſion*, *Whitſuntide*, St. *John*'s Day, the *Aſſumption* of the *Virgin*, &c. there to perform the Holy Office. 4. The Popes ought to be forbid to diſpenſe the Biſhops, Abbats, and Prieſts of the Age preſcrib'd by the Canons (2), from receiving Orders, above three Years; nor ſhall a Diſpenſation be granted even for that Term, without good Reaſons plainly ſet forth in the Letters. The Diſpenſations granted heretofore upon another Foot ſhall be look'd upon as null and void, as well as thoſe granted to Children to have Biſhopricks and other Eccleſiaſtical Dignities, becauſe they are contrary to the Law of Nature: Nevertheleſs, Prebends may be granted to thoſe of fourteen, and even twelve Years of Age, provided the Age is ſet down in the Preſentation.

*Alios Exemptos.*

XXXIII. IT was a uſual Thing at the Court of *Rome*, to take Money for prolonging or keeping Cauſes that were brought thither, in Suſpence, which did great Prejudice to the Clients on both Sides,

A Prohibition to the Popes hindering the Courſe of Juſtice, *V. d. Hardt*, T. I. p. 620, and 6[illegible]

(1) Reſidence was enjoyn'd at the Council of *Trent*, Seſſion VI. Cap. 1, 2 *de Reform.* But it was not there decided, whether or no it was of Divine Right.

(2) According to the Canons, a Biſhop ought to be 30 Years old, and an Abbot and a Prieſt 25

who exhauſted themſelves by their Expences at that Court. The Reforming College forbids the Popes to hinder the Courſe of Juſtice, to prolong or vacate the Proceſſes, and to reſtore the Parties *in integrum*, after an Affair has been try'd, unleſs there be lawful Reaſons, and thoſe duely examin'd. Beſides this, the Reformers order, that hereafter no Perſon, Eccleſiaſtical or Secular, ſhall be ſued by Virtue of any Reſcript from the Pope, out of the Towns of the Dioceſes on which he depends, unleſs it be in the Caſes preſcrib'd by the Bull of *Boniface* VII. As for inſtance, if the Plaintiff cannot ſafely remove himſelf to the Defendant's Place of Reſidence, of which the Plaintiff ſhall be oblig'd to make Oath.

*Sext Decret.* 1, 3, 2.

A Prohibition to the Popes to impoſe Tenths, without the Authority of a General Council.

XXXIV. As the Popes frequently impos'd Tenths upon all, or a great Part of the Clergy, the Reformers forbid them to lay ſuch Impoſitions for the future, unleſs it be by the Authority of a General Council. 'Tis true, that they permit the Pope, in Caſes of Neceſſity, to demand a Subſidy or Charitable Aſſiſtance, as the Canon Lawyers call it. *Martin* V. approv'd this Decree in the XLIIId Seſſion, but with this Difference, that whereas the Reforming College makes the Authority of a General Council intervene, this Pope only mentions the Conſent of the Cardinals and Biſhops concern'd. *M. Dupin* remarks very juſtly, that this Decree has been very ill obſerv'd by the Popes. We have ſeen, that *Martin* V, notwithſtanding his Bull, granted *Sigiſmond* the tenth Part of the Eccleſiaſtical Revenues in *Germany*. *Eugene* IV, ſays *M. Dupin* in the Place that I have quoted, granted to the King of *Cyprus*, in 1431, *the hundredth Part of the Eccleſiaſtical Revenues of* France, Spain *and* England, *for the Deliverance of the Hoſtages he left with the Sultan.*—— Nicholas V, *in the Year* 1453, *laid the Tenths upon all the Clergy for the War againſt the* Turk. —— Pius II. *did the ſame in* 1459; *but the* Germans *being unwilling to bear it, he was oblig'd to relax upon their Account. In* 1400, Innocent VIII. *was reſolv'd to impoſe the Tenths upon the Clergy of* France, *for the War againſt the* Turk; *but the Univerſity of* Paris *oppos'd it, as well as thoſe which* Alexander IV. *had a mind to impoſe upon them in* 1501.

*Dupin*'s New Eccleſiaſtical Library, T. XII. p. 154.

Exemptions prohibited.

XXXV. THE Popes had for many Centuries taken upon them to exempt Biſhops from the Juriſdiction of the Archbiſhops, Abbats from that of Biſhops, and to grant to a great Number of Monaſteries, Houſes and Perſons, the Privilege to hold only of the Holy See; becauſe it was advantageous for them to have Perſons to hold of them immediately, in all the Countries of *Chriſtendom*. This Abuſe was got to ſuch a Height during the Schiſm, that all the Ordinaries had ſcarce any Juriſdiction left over their Inferiors. The Reforming College orders, that all the Exemptions granted by (1) the Popes, du-

(1) The Exemptions were very much reſtrain'd at the Council of *Trent*, Seſſion VII. Cap. 14 and 24. Cap. 11. *de Reform.*

ring

ring the Schism, without the Consent of the Ordinaries, or without Knowledge of the Cause, shall be absolutely made void; except the Immunities of Houses newly founded with the Privilege of Exemption, and the Exemptions of Universities. This Decree was confirm'd by *Martin* V, in the XLIIId Session.

XXXVI. FORMERLY there were good Reasons for uniting several Benefices together, particularly in the Times of War or Pestilence, when the People were reduc'd to so small a Number that they cou'd not maintain a Pastor. In these Cases, the Bishop gave the Care of this People to the Parson, who liv'd next to that Place; as he did in some other Cases of the like Nature, which was left to the Prudence of the Metropolitans and Bishops (*a*). Afterwards the Popes reserv'd the Privilege of Unions to themselves alone, under Pretence that the Bishops made an ill Use of them, and that Complaint was made thereof in divers Places. But they themselves abus'd them more than the Bishops, especially during the Schism, when the Popes were very liberal of their Bulls to favour Unions, on the Payment of round Sums of Money. The Reforming College declares all those null and void, which have been made since the Schism (1), without Knowledge of the Cause. The Bishops and other Ordinaries are also forbid to undertake such Unions, without great Necessity. The Pope also confirm'd this Resolution, at least in Part, in the XLIIId Session, wherein he promis'd to do Justice as to the Unions that were made improperly since *Gregory* XI.

Unions of Churches since the Schism made void.

*Marsolier*, p. 255.

(*a*) *Corvin. Jus Canon.* Lib. II. Cap. 23.

XXXVII. As great Abuses were committed in the Translations of Bishops, or other Benefic'd Persons, as in the Union or Incorporation of Churches. The Popes assumed to themselves a Power of translating Bishops from one Diocese to another, in spite of themselves, and their Flocks: It may be easily imagin'd that this forc'd kind of Translations (2) were of notorious Prejudice to the Churches, both in Spirituals and Temporals. The Reforming College orders, that hereafter the Popes shall not any more attempt such Translations, without Reasons manifestly valid, which shall be examin'd by the College of Cardinals, or by the greatest Part of them. This Resolution was ratify'd in the XXXIXth Session; but it does not appear that *Martin* V. confirm'd it in the XLIIId.

Translations prohibited.

XXXVIII. THE Popes had a long Time taken upon them to reserve a Power to the See of *Rome*, to give Absolution for certain

Cases reserv'd

(1) The Council of *Trent* annull'd all the Unions obtain'd by Surprize, Session VII. Cap. 6 but indulg'd Bishops in them, provided they shew good Cause, Session XX. Cap. 5. *de Reform.*

(2) See the Canon Law concerning Translations, *Corv.* LX. *V. d. Hardt*, T. I. p. 661, 662.

Sins,

Sins, of which the Biſhops could not take Cognizance (1). This is one of the Functions of the Pope's grand Penitentiary, who ought to be a Cardinal. 'Twas a very good Method to get Money, for they dived deep into the Purſes of certain Sinners of Importance, who came for Abſolution: But under Prentence of humbling and terrifying Sinners, by rendering the Abſolution difficult; and by making it to depend upon the Soveraign Tribunal; Occaſion was given to ſeveral not to confeſs, nor to do Penance neither.

*Gerſon*, T. I. p. 445, and II. p. 562.

THERE were Caſes reſolv'd alſo to the Biſhops, or their Penitentiaries; as Witchcraft, in which Sacred Things were employ'd; Sacrilege; Violence done to a Prieſt; Simony; Hereſy; Murder; the ſtriking of Father or Mother; publick Perjury; notorious Adultery; Rape, and Violation of Chaſtity; Inceſt with Nuns, or with Kindred, in the prohibited Degrees of Conſanguinity; the Breach of Vows, the Deſtruction of Children; and the abominable Sin againſt Nature.

THE ordinary Confeſſors were oblig'd to refer thoſe Caſes to the Prelates, unleſs the Sinner was in Danger of Death, or had ſome Reaſon to fear that the Confeſſion would be reveal'd. Among *Gerſon*'s Works, there's a Letter from that Doctor to a Biſhop wherein he exhorts him not to be too jealous of the Caſes reſerv'd to him; and to permit the Curates to abſolve Sinners in thoſe Caſes, eſpecially if they are ſecret Sins which the Sinner might be aſham'd of revealing to his Biſhop. The Reforming College took it into Conſideration, whether Biſhops or their Penitentiaries, or Confeſſors eſtabliſh'd by the Holy See, might not be permitted to abſolve in Caſes reſerv'd to the Holy See, without obliging the Sinners to go to *Rome*. The Majority voted for adhering to the common Practice. Some thought however, that Proviſion might be made in this reſpect for ſecret Sins; and demanded Time to conſider of it: But as to notorious and publick Sins, they were unanimous for keeping to the old Cuſtom. Perhaps the Reader will not be diſpleas'd to take a tranſient View, how the Affair of the *reſerv'd Caſes* was treated at the Council of *Trent*, the rather becauſe *Gerſon*'s Sentiment was there quoted. This Article, *viz. That the Biſhops have no Right to reſerve Caſes to themſelves, unleſs for the Sake of the Police and to ſalve Appearances*, was charg'd upon the Proteſtants, and propos'd to be cenſur'd: 'But, ſays Father *Paul*, the Divines of *Louvain* made an Ob-'jection to the Article of the reſerv'd Caſes; ſaying, that it would 'never be proved that any Father had ever ſpoke of this Right or 'Prerogative, and that *Durand*, who was a Penitentiary, *Gerſon* and

*Gerſ.* T. II. p. 415, and III. 1060.

*V. d. Hardt*, T. I. p. 631, 632.

Father *Paul*, 329, 330.

(1) *Innocent* III. was the Inventor of Caſes reſerv'd to the See of *Rome*, according to *Pallavicini*'s Hiſtory of the Council of *Trent*. Lib. I. Cap. 11.

'*Cajetan*,

'*Cajetan*, do all three ſay, that Cenſures are reſerv'd to the Pope, 'but not Sins: So that 'tis too harſh to declare thoſe to be Here-'ticks, who are of the contrary Opinion. In this they were ſecond-'ed by the Divines of *Cologn*, who declar'd openly that there was 'no ancient Writer that mention'd any other Reſervation, but that 'of publick Sins; and that it was not handſome to condemn ſo Ca-'tholick a Perſon as *Gerſon*, for blaming this Practice. That the 'Hereticks uſed to ſay, that the reſerv'd Caſes were all a Trick to 'get Money, as Cardinal *Campeggio* himſelf own'd in his Reforma-'tion, *&c.*' But Cardinal *Pallavicini*, who has made very good Corrections of ſome Paſſages in Father *Paul*'s Narrative, maintains that *Campeggio* did not advance what Father *Paul* ſays was put into his Mouth by the Divines of *Cologn*. It was his Opinion, according to the Report of *Pallavicini*, that in order to ſave the Lay Sinners, who were under the Caſes reſerv'd to Biſhops, great Charges, any Confeſſor might receive their Confeſſion, except in Caſe of Hereſy, Homicide, or ſome Crime deſerving an Anathema; and he would not have the Confeſſors take any Thing, but under the Denomination of Alms, for the Abſolution which they give to Penitents (1). 'Tis very certain, that Hereticks were not the only People that complain'd of the Extortions of the Penitentiaries, in thoſe extraordinary and reſerv'd Caſes, as appears from *Gerſon*'s Teſtimony, in the Letter I before quoted. Be this as it will, if we may believe *M. Dupin*, the Council of *Trent* was bolder in this reſpect than the Reformers of *Conſtance*; for according to that able and judicious Hiſtorian, the Council of *Trent* came to the following Reſolution; *The Biſhops may in their Dioceſes, by themſelves, or by any other Perſon they ſhall depute for that Purpoſe in their Place, freely abſolve* in foro conſcientiæ, *all that are in their Juriſdiction, of all ſecret Sins, even thoſe reſerv'd to the Apoſtolical See, by impoſing wholeſome Penance upon them.* As to the Crime of Hereſy, the ſame Power, *in foro conſcientiæ*, is *granted to their Perſons only, and not to their Vicars.* *Bibliotheq. des Aut. Eccleſ.* T. XV. p. 342.

THOSE are very near all the Regulations which were made by the Reformers of *Conſtance*, relating to the Power of the Popes.

XXXIX. As they were to decide nothing of Importance without the Advice of the Cardinals, it was but juſt alſo to make ſome Regulations for the Reformation of this College (2). The Cardinal of Of the Cardinals.

(1) *Quia ſæpius a talibus exactionantur in dando pecuniam.*

(2) As to the Origin of the Cardinals, ſee the Memorial of the *French* concerning the Annates, reported in the 40th Seſſion. The Cardinal of *Cambray*, *de Reformatione Eccleſiæ*, Cap. VI. *Gerſon*, Tom II. p. 80. *Clemang. de Corrupt. Eccl. Statu* Cap. 10. p. 11. Father *Paul* of *Matters* Beneficiary, 51, 52, 53. *Jerom a Coſta*'s Hiſtory of the Revenues of the Church, p. 216. *Marſolier*, p. 69. The Lives of *Gregory* the Great, by *Maimbourg*, and *Denis de St. Martha*, *Dupin*, T. V. p. 112. *Polydor. Virgil. de Rer. invent.* p. 268. *Les Recherches de Paſquier*, Lib. III.

*Cambray*, in his Canons of the Reformation already mention'd, was of Opinion that the Number of the Cardinals ſhould be leſſen'd; that they ſhould be choſen out of different Nations, to prevent Partiality, and to the end that they might be the better certify'd of the Neceſſities of the Churches ſcatter'd up and down the World. *Gerſon* had alſo taken Notice of an Abuſe, which was at that Time very common, *viz.* the granting of Churches and Monaſteries in Commendam to the Cardinals, to the Ruin of ſuch Monaſteries and Churches; and he adviſed, that the Revenues of the Church of *Rome* might be equally ſhar'd among the Popes and Cardinals, in order that the other Churches and Benefices might be left in Poſſeſſion of theirs. We have elſewhere ſeen the Reflections made upon the Subject of Cardinals, by *Nicholas Clemangis*. *Zabarella* was for having the Cardinals learned in the Scripture, and the Canons of the Church; except ſome whoſe high Birth did not require of them to be Doctors: Neither would he have them elected by Favour, but after due Examination of their Abilities and Manners; nor too young; nor of a baſe and ſuſpicious Birth. In fine, he was for reducing the Number to thirty, or even twenty-four; and for giving them certain ſtated Revenues, and not Benefices in Commendam. *V. d. Hardt*, T. I. Part ix. p. 515, 516.

'The Reforming College, purſuant 'to this, orders that hereafter there ſhall be no more than eighteen 'Cardinals; and that they be diſtinguiſh'd for their Learning, Manners and Experience; that they ſhall not be under thirty Years of 'Age; that there ſhall be at leaſt four of them Doctors of Divinity, 'and the others Doctors of the Canon and Civil Law; except a very 'few, who may happen to be of very high Rank, as Ducal, Royal, '*&c.* that their Birth be without Stain, their Lives without Infamy, their Bodies without any remarkable Defect (*non corpore vitiati*;) that they ſhall not be in Alliance or Affinity to any Cardinal living, even to the fourth Degree incluſive; that they ſhall 'not be taken out of the Religious Orders, one only excepted; that 'their Election ſhall not be made by Whiſper, but by *Scrutiny*, and 'a publick Examination, approv'd and ſubſcrib'd by the major part 'of the Cardinals (*a*).' I don't obſerve, that the Reforming College made any Regulation about their Revenues: Indeed as the Suppreſſion of the Annates could not be obtain'd, they had no very great need to trouble their Heads much about their Subſiſtance, becauſe they ſhar'd that Impoſt with the Pope.

(*a*) *V. d. H.* T. I. p. 395.

Officers of the Chancery and the Apoſtolical Chamber.

XL. THE Popes being oblig'd to cauſe their Letters to be expedited and ſign'd in Chancery, it was a Point of very great Importance, to furniſh it with good Officers, with regard to their Abilities and Behaviour, to the end that there might be no juggling between them and their Maſter. The firſt Regulation made upon this Subject,

PROTHONOTARIES. *V. d. Hardt*, T. I. p. 597.

Subject, relates to the *Prothonotaries* ( ), who are above all the Apoſtolical Notaries, and are alſo call'd *Partners*, becauſe they have a Share in the Fees of the Chancery, and to diſtinguiſh 'em from thoſe who are only *Prothonotaries* by Title. The Reforming College reduces them to the Number of ſeven at moſt, according to the ancient Cuſtom. They ought to be Doctors of Divinity, or Doctors of Civil Law, Prieſts, and of diſtinguiſh'd Merit. They muſt be choſen by the Conſent of the major Part of the Cardinals. The Reforming College does not regulate their Revenues. *M. Aimon*, who was himſelf a Prothonotary, ſays, *That their Offices are worth at preſent ſeven thouſand Crowns of Gold, and that they bring them in about* 10 per Cent. *not reckoning the Contingencies or Windfalls, which are ſometimes very conſiderable, ſo that they have at leaſt* 1300 *Crowns a Year.* As to their Rank, the Reforming College requires that they ſhould take Place of the Prelates, when they are at Court, and in the Exerciſe of their Offices, but at no other Time.

*PLATINA*'s Opinion of the *Pronothotaries*, whoſe Inſtitution he aſcribles to *Julius* I, will not be unacceptable to the Reader. 'He 'had a mind, *ſays he*, that every thing which related to the Church 'ſhould be recorded by the Notaries, or by the Chief of the Notaries '(*Primocerium Notariorum*) I ſuppoſe them to be ſuch as are now 'called *Prothonotaries*, whoſe principal Office is to keep Regiſters. 'But at this Day the generality, not to ſay all of them, are ſo ignorant, that they can ſcarce tell their own Names in *Latin*, inſtead 'of being able to write the Actions of others. I will not ſpeak of 'their Manners, becauſe now-a-days they confer this Dignity upon 'Pimps and Paraſites (2).'

THE Auditors or Judges of the *Rota*, which is as it were the Pope's Parliament, ought alſo to be Doctors, and choſe by the great[illegible] Number of the Cardinals. After their having taken their Doctors Degrees, they muſt have taught Law for two or three Years in ſome

AUDITORS OF THE ROTA.

(1) As to the Prothonotaries, and the other Officers of the Court and Chancery of *Rome*, ſee *le Tableau*, or the Picture of the Court of *Rome*, by Mr. *Aimon*. He ſays, that there are commonly twelve Prothonotaries; that they are Prelates; and that they take Place of all Abbats and other Eccleſiaſticks, Regular and Secular, under the Degree of Biſhops, and that they are Judges by Appeal of all Suits of the Eccleſiaſtical State, and of the Beneficiary and Patrimonial Affairs of every *Roman* Catholick, who has not an Indulto to try them before his own Judges. *Aimon*, p. 147.

(2) *Platin* of the Lives of the Popes in that of *Jul.* I. p. 19. Edition in 1485. *Verum noſtra ætate adeo plerique nolo dicere omnes litteræ ignari ſunt, ut vix ſciant ſuum patrium Latine exprimere, nedum aliorum res geſtas ſcribere. De moribus nolo dicere, cum e lenonum numero & paraſitorum quidam in hunc ordinem relati ſint.* Theſe Words have been left out of the later Editions, at leaſt we don't find them in the *Italian* Verſion of *Mark Anthony Sabellicus*, printed at *Venice* in 1574.

Univerſity, or one Year at *Rome*, to qualify them for being Judges in the Tribunal. The Reforming College awards them 300 Florins Penſion, either out of the Chamber, or from ſome Benefice. They ought neither to be more than Sixteen, nor leſs than Twelve. They muſt be ſuch as have received Orders, and be taken from different Provinces. They ought not to live among the Cardinals, nor at the Expence of the Pope; and they muſt ſwear, that after their Sentence they will not receive above the Value of three Florins. *Aimon* makes this Poſt to be worth a thouſand Crowns *per Annum*.

WRITERS. As to the Scriveners or *Writers* of the Apoſtolical Letters, or of the Penitentiary, the Reforming College would have them carefully examined and reduced to the Number of One hundred for Engroſſing and Twenty-four for the Penitentiary. They muſt not be married. They ought to ſubſtitute none in their Place, unleſs it be by reaſon of Sickneſs, or ſome other Moleſtation, that ſhall be declared by the Vice-Chancellor or Penitentiary. They muſt neither ſell, nor give, nor change their Offices, unleſs it be for an Office of the like kind.

See *M. Aimon*, p. 201.

ABBREVIATORS. THE *Abbreviators* are reduced to the Number of Twenty-five, and ought not to be admitted without Examination. *M. Aimon* diſtinguiſhes between the Abbreviators of the Great Bar, and thoſe of the Petty Bar. *Thoſe of the Great Bar draw up the Minutes of the Bulls according to the Petitions ſigned by the Pope, and compare them after they are written upon Parchment, and then they ſend them to the Abbreviators of the Petty Bar, who with the Apoſtolical Regiſters or Scriveners tax them.* The Auditor, the Regiſter, the Scriveners, and the Attorneys of the Penitentiary muſt be Prieſts.

CLERKS OF THE CHAMBER. THERE ought not to be above ſix Clerks of the Chamber, who muſt be all Doctors of Law, and taken from different Nations.

CORRECTOR of the CHANCERY. THERE ought to be but one *Corrector of the Apoſtolical Letters*. He muſt be a Doctor, and muſt have taught at leaſt three Years in ſome Univerſity, and he muſt be well verſed in the Affairs of the Chancery (1).

AUDITOR *Contradictarium.* NEITHER ought there to be more than one *Auditor of the Objections of the Rota*, who muſt be a Doctor, and taken out of the Chamber of the *Rota*, or elſewhere, provided he knows the Law well.

AUDITOR OF THE CHAMBER. THERE's the ſame Order for the AUDITOR OF THE CHAMBER.

ACOLYTES SUB-DEACON. THERE ought to be but ſix *Acolytes*, who are required to be Men of known Probity, and but one *Sub-Deacon*, who muſt be a B. D. or L L. D. becauſe Matters of Importance are generally referred to him.

(1) Upon this ſee the *Tableau de la Cour de Rome*. p. 153.

THE

THE *Houſhold Chaplains* (1) ought to live with the Pope, and to be modeſt and decent in their Habits. Thoſe called CHAPLAINS OF HONOUR ought to be caſhier'd, if they are not Doctors of Divinity or Law, and Secular Clergy-men. The latter ought not to be exempt under Pretence of any Cauſes they are to try, and Proceſſes ought not to be granted them out of the Chamber. CHAPLAINS.

THERE ought to be but ſix *Referendaries* to lay before the Pope the Petitions of the Parties for all Signings, whether of Grace or Juſtice. They muſt be Men diſtinguiſh'd for their Knowledge and good Behaviour, choſen out of different Nations, and by the Advice of the Majority of the Cardinals. REFERENDARIES.

THE *Penitentiaries* ought to be Doctors of Divinity, or at leaſt qualify'd to be ſuch. They ſhould be at leaſt forty Years of Age, and ſkill'd in ſundry Languages. They ought to exact nothing, neither directly nor indirectly for their Confeſſions, on Pain of being puniſh'd. Their Salaries muſt be fix'd by the Chamber, and they are oblig'd to preach on *Sundays* and Saints Days. PENITENTIARIES.

THE Conſtitutions of *John* XXII. ſhall be punctually obſerv'd at the Hearing of Parties in Cauſes that come before the Sacred Palace, as well as the Chancery. *Audientia contradictariorum.*

THE Regiſters of Letters ſhall take nothing more than the Fee. They ſhall expedite them ſpeedily, and this Rate of the Apoſtolical Letters and of the Penitentiary ſhall be reduced to the uſual Standard, and according to the Conſtitutions. REGISTERS.

SACRED Orders at the Court of *Rome* ſhall only be given to the Officers of the ſaid Court, who ſhall have reſided there during a Year, after having been well examined, or to ſuch as ſhall have Letters of Diſmiſſion from their Ordinaries, or finally to thoſe that have been promoted at the ſaid Court to Biſhopricks, Abbeys, or other Benefices that require Ordination. Nothing ſhall be taken for the conferring of Orders. Letters of Diſmiſſion ſhall not be given in Court. Several Orders ſhall not be conferred at once, unleſs it be to ſuch as have been promoted to Biſhopricks or Abbeys. ORDINATIONS.

DIVINITY, the Canon and Civil Law, and the *Latin*, *Greek*, *Hebrew*, *Arabick* and *Chaldee* Languages ſhall commonly be taught at the Court of *Rome*. The Profeſſors ſhall be paid their Salaries out of the Apoſtolick Chamber.

THERE is a Regulation likewiſe concerning the *Marſhal of Rome*. (*a*) The Reforming College requires that he be noble, juſt, honeſt, MARSHAL OF ROME. (*a*) *Marſchalcus.*

(1) Capellani Commenſales ſtent in domo Papæ, & ad liberam, & incedant in habitu honeſto. Capellani vero, qui dicuntur honoris, revocentur, niſi ſint Doctores in ſacra Pagina vel in Jure, & Seculares. Et deel retur de novo quod non ſint exempti, etiamſi habeant proceſſus, & quod de cætero non detur eis proceſſus de camera. *Von der Hardt*, T. I. p. 655.

diſintereſted, and not ſubject to receive Money after a ſordid Manner, as was then the Cuſtom. As to this, ſee the *Tableau*, or Picture of the *Court of Rome*, p. 128.

CLERICI CAPELLÆ, or CEREMONIARUM. MAGISTER HOSPITII.

THERE muſt be but two *Clerks* of the Chappel or Ceremonies, who ought to be Prieſts, and well vers'd in the Ceremonial; and to be well acquainted with the Prelates, in order to rank every one in his proper Place.

THE *Steward* muſt be ſome old Officer of War, a Man of Quality, one that fears God, ſo as to do Honour to the Nobility, and other Perſons of Diſtinction, that come to the Court.

EXAMINER of the COURT.

THE *Examiner of the Court* muſt be a Prelate, and a Doctor of Law, a Man of good Behaviour, rigid and diſintereſted, in order to examine with his own, and not with other Mens Eyes, all thoſe who are to be admitted to Benefices; and he muſt take great Care that he be not over-reach'd, and that he does not examine one for another. As to the Fee for Examination, if it be not regulated by ſome Conſtitution, it muſt not exceed a Carolin, which is the tenth Part of a Ducat.

*Againſt Bull Doctors.*

A great Abuſe had crept in, with regard to the Doctors: There were very many, who, inſtead of taking up Degrees in the Univerſities, after having ſtudy'd there very hard, went to the Court of *Rome* to ſollicit Bulls for being Doctors, which were granted for Money. By this it may naturally be ſuppoſed that Learning was very much debaſed, and Religion prophaned by ſuch Doctors. To remedy this Miſchief the Reforming College orders, that hereafter the Apoſtolical See ſhall no longer grant the Power of making Doctors or Maſter of Arts in any of the Faculties, either to the Legates or to the Apoſtolical Nuncios, or to the Generals of the Orders; and that this Power ſhall be reſerv'd to the Chancellors of the Univerſities. As for the Court of *Rome*, which is deem'd to have the Privileges of an Univerſity, no Perſon ſhall be a Graduate there, who has not gone thro' a Courſe in the Science of which he would be a Doctor, or who has not ſtudy'd in ſome Univerſity, of which, as well as of his Behaviour, he ſhall bring good Teſtimonies from the Chancellor and Doctors of the Univerſity. Then he ſhall be admitted, not by a Bull, or by a particular Commiſſion, but by the Doctors and Profeſſors of the Court of *Rome*, after a very rigid Examination. So that the Degrees granted by the particular Commiſſion of the Apoſtolical See ſhall hereafter be deem'd as null and void.

THE Officers of the Court of *Rome* ſhall not be ſuffer'd to keep Concubines publickly, nor to play at Dice, nor to commit any Debauchery, on Pain of loſing their Offices, if they do not amend after Admonition. On the contrary, they ought to be ſo regular in their

their Discourse and Behaviour, that the Court of *Rome* may be as a Mirrour and Pattern of Holiness.

THERE are many other Regulations relating to the Notaries; but what I have now reported is enough to give a general Idea of those Offices; only I must mention one Regulation here, touching the *Auditor of the Chamber at Avignon*: 'Tis well known that some of the Popes had for a long time kept the Apostolical See at *Avignon*, before and after the Schism. *Clement* V, a *French* Man, was the first that remov'd it thither, and the succeeding Popes resided there, down to *Gregory* XI, who re-establish'd the See at *Rome* in 137[illegible]; but *Clement* VII, *Urban*'s Rival, went and kept his Court at *Avignon*; as did also *Benedict* XIII, who was there elected, and stay'd there till he was oblig'd to retire to *Arragon*. From that Time there was an Auditor of the Apostolical Chamber always in this City: But as the said Auditor was superfluous, and as he could not continue but to the Prejudice of the Auditor of the Chamber of *Rome*, the Reformers order'd him to be put down. *Fr. d Haller.* T. I. p. 241.

XLI. AFTER having thus reform'd the Popes, the Cardinals, and the Court of *Rome*, there was nothing more necessary and more pressing than a Remedy against Simony, which was then look'd upon as a Contagion or Plague that had infected all the Clergy from the Head to the Foot. *Gerson* tells us in what Simony was properly made to consist, *viz.* in the selling and buying of Spiritual Favours, and in the negotiating of Benefices and Ecclesiastical Offices; which Traffick was carry'd on either directly or indirectly under various Pretexts, for which the Popes were never at a Loss. It appears from Ecclesiastical History that this was a very old Evil in the Church. It was not unknown in the Time of *Origen*, who censur'd it in his Commentary upon St. *Matthew*. Among the pretended *Canons of the Apostles*, which are manifestly a very ancient Piece, we find this, *If a Bishop, a Priest or a Deacon has given Money for the attaining to such Dignity, he shall be deposed and excommunicated, as well as the Person who gave him the Orders.* St. *Jerome* severely forbids the Nuns of his Time to take Money of those who enter'd into their Society. In St. *Chrysostom*'s *Commentary* upon the *Acts*, we meet with a very sharp Censure against Persons guilty of Simony; in which Class he reckons not only those who bought Ecclesiastical Offices for ready Money, but such also as acquired them by Flattery and Subornation, or by other Intrigues. In St. *Ambrose*'s Book of *the Sacerdotal Dignity*, there's an entire Chapter against Simony, by which it appears that at that Time this Disorder was common, and even carried to a great Height. We also find Simony very expressly forbid in many Places of *Justinian*'s *Novella*. If the Church was not pure in that respect in those happy Centuries when Ecclesiastical Discipline was

A Regulation against Simony.

*Origen* on *Matt.* p. 411, 442.

*Canon* 30.

*Hieron. Reg. Mon.* T. VIII. p. 473.

*Ambr. de Dign. Sacerd.* Cap. V

ſtill in its Vigor, we may judge of the Progreſs which Simony made afterwards; but eſpecially when the Popes had made themſelves Maſters of all the Eccleſiaſtical Livings. *Gobelin Perſona* ſays that in the Time of Pope *Sergius* II. Simony was ſo much in vogue that Biſhopricks were ſold publickly; and not a Biſhop nor Clergyman had Zeal enough to oppoſe this Torrent of Iniquity: Yet we find ſevere Laws againſt Simony in the following Ages, particularly in the eleventh, when the Emperor *Henry* II. paſs'd an Edict againſt Perſons that were guilty of Simony. But tho' Simony had been decry'd from Age to Age by the Councils, by the Doctors, and alſo by the Canon Law, which orders very ſevere Puniſhment to be inflicted upon Simoniſts, yet it increaſed to ſuch an enormous Degree in the thirteenth, fourteenth, and fifteenth Centuries, as was abhorr'd by all Mankind. However there were ſome ſpecious Pretexts ſtarted to give Authority to this Diſorder, but *John* XXII. and *Boniface* IX. kept no Decorum, and may be reckon'd among the firſt who quite took off the Mask. It may not be amiſs perhaps to quote a Paſſage from *Theodoric de Niem*, relating to the Conduct of *Boniface* IX. in this reſpect.

*Gob. Perſ. Ætat.* VI. Cap. 44. p. 245.

*Marſolier* Hiſtory of the Tenths. 139. *Corv.* L. IV. Tit. 11.

*Theod. de Niem de Schiſm. ap. V. d. Hardt*, T. I. Part IV. Præf.

'This Pope, *ſays our Author*, finding at his Acceſſion to the Pontificate, ſeveral Cardinals ſo honeſt as to hold Simony in Abhorrence, practiſed it for ſeven Years by Brokers, who drove a Bargain ſecretly in his Name, with ſuch as had a Mind to be collated to any Benefices. If the Money was not paid at the very Time appointed, he had always ſome Pretence ready in his Conſiſtory to delay ſuch Promotions, or even quite to hinder them. He was never more eaſy than when he heard of the Death of ſome of thoſe rigid Cardinals, becauſe he took the Liberty to practiſe Simony with his own Hands, and without any one's Interpoſition. But to do this with the more Precaution, he thought fit in the tenth Year of his Pontificate to reſerve to his Chamber, under Colour of ſome Neceſſity, one Year's Fruits of all vacant Cathedral Churches, and Abbies, which Revenues he made to amount three times higher than they were commonly rated by the Chamber for the common Service. He alſo frequently found a Way to hinder the Perſon to whom he had promiſed the vacant Benefice, from enjoying it, to the end that he might have the Firſt Fruits from another to whom he gave it; and if the Money was not ready, he extorted prodigious Intereſt, and ſometimes cauſed the Debtors to be puniſh'd by the Officers of his *Court.*' *John* XXIII. even out-did *Boniface* IX, under whom he had learn'd the Trade. The Antipopes following his Example, all *Europe* was deſolated by thoſe Exactions which the Popes laid on with the more Impunity, inaſmuch as they ſaid they could not be Simoniacal, becauſe they challeng'd to themſelves an abſolute Right to the Eſtates of the Clergy. And as they who buy Benefices are altogether

together as Simoniacal as the Sellers, Simony was become a ſort of Epidemic Malady from which ſcarce a Soul was free. Upon this Foundation it may be ſaid that the whole Church was at that Time heretical, becauſe the Authors of that Age unanimouſly agree in treating it as a Crime at leaſt of indirect Hereſy. *Theodoric Vrie* expreſsly calls it by that Name, where he puts theſe Words into the Mouth of the Church. *Is there at this Day any Clergyman, who is not infected with this Hereſy and this Impiety? It has poiſon'd the Pope, the Cardinals, the Archbiſhops und Biſhops.* *V. d. Hardt*, T. I. p. 6[illegible].

THE Buſineſs therefore was how to remedy this Evil. The Council had already began to execute their Decrees againſt this Crime in the Perſon of *John* XXIII, Simony having been one of the principal Motives of his being depos'd. The moſt able Doctors, as has been obſerved, declared their Opinion thereupon with great Force and Candour. Then it was, that *Gerſon* wrote that Treatiſe of Simony, which I have mention'd elſewhere.

THE College for Reformation being directed by ſuch good Heads, and animated by ſuch general Complaints, reſolv'd by a perpetual Decree, 1. That for the Non-obſervation of the Apoſtolical Canons, and of the Decrees of the Popes and Councils againſt Simony, every Clergyman of what Rank and Degree ſoever, Biſhop, Archbiſhop, Patriarch or Cardinal, that ſhall be guilty of Simony, either in the Court of *Rome* or elſewhere, either in the conferring or obtaining a Benefice, in the preſenting and collating the Candidate, which Way ſoever the Simony is committed, whether directly or indirectly, by giving or receiving, by Promiſe or by Convention, by himſelf or by the Interpoſition of another, ſuch Perſon ſhall for ever be deprived of his Offices and Benefices, which ſhall be given to others, and the Laity who ſhall be guilty of this Crime ſhall be excommunicated *ipſo jure*. 2. That to this end, the Council ſhall henceforwards act againſt thoſe who are notoriouſly tainted with this Vice, by appointing zealous and conſcientious Commiſſioners to proceed againſt the guilty in a ſummary Way, and without Form of Proceſs. But becauſe of the guilty there might be two Sorts, ſome not very notorious and only ſuſpected, others of a tender Conſcience, who perhaps were not ſo criminal as they thought themſelves, the Council ſhall appoint a Cardinal of each Nation, and a Confeſſor, who ſhall be a Doctor of Divinity to examine thoſe different Caſes, with full Power to abſolve, and to impoſe whatever Penances they ſhall think fit. 3. The Prelates and other Ordinaries were enjoyn'd for the future to ſee this Decree punctually obſerv'd, as well as the Tranſgreſſors thereof puniſh'd; and in Caſe of Neglect on their Part, they ſhall be puniſh'd by their Superiors, even to the Loſs of their Benefices, if the Caſe ſo require. *V. d. Hardt*, T. I. p. 592, 662. *Ibid.* p. 628.

I SEE nothing in this Decree, which directly touches the Pope, but 'tis not difficult to comprehend the Reasons of it. 1. The Pope is aim'd at by those Terms of *what Rank and Dignity soever.* 2. By taking from him the Reservations, Exemptions, and the Disposition of important Affairs without the Advice of the Cardinals, the chief Occasions of practising Simony were taken from him at the same Time. 3. It had been expressly declar'd by a Decree, that the Pope might be depos'd for Simony by a General Council. 4. As to the punishing of the Guilty by Excommunication and the Loss of their Benefices, the Pope could not be subject to those Penalties, because he had no Superior but the General Council. Be this as it will, Simony was for ever in general, in the XLIIId Session.

Reformation of the Prelates.

XLII. THE Reformation of the Archbishops, Bishops, Abbats and other Prelates, Curates and Priests ought to follow that of the Pope, whom the Council only consider'd as the first Bishop. The Prelates, what Oppression soever they suffer'd from the Popes, had a Way to make themselves amends by oppressing their Inferiors and Churches in their Turn. Ecclesiastical Offices being become saleable, no Wonder that they were very often wretchedly fill'd up by the Collusion of the Princes with the Popes. Gross Ignorance and extreme Neglect of their Duty were the least Faults of the Pastors. They were generally covetous, ambitious, violent, cruel, debauch'd; in a word, so vicious, that the Churches might think their Refusal to reside in them their greatest Happiness.

*Clemang. de ruina Eccl.* cap. 20--25.

Regulation about Elections.

XLIII. As Elections were the principal Source of the Mischief, the College orders in the first Place that the Decree of the fourth *Lateran* Council, under *Innocent* III, against Elections made by the Encroachment of the Secular Powers, be strictly observ'd (1). This Decree imports, that he who consents to an Election made by Secular Authority, shall be depriv'd of the Benefice to which he hath been elected, and declar'd incapable of being elected to another; and as to those who proceeded to the Election, it suspends them for three Years from their Offices and Benefices, and deprives them of the Right of Election, during all that Term. The Reforming College adds to this Decree, that it ought to extend to all Manner of *Collations*, even to those granted by the Popes. It also forbids such Elections as were made by the Entreaties or Recommendations of the Secular Powers, either by Letters, or Word of Mouth, if it appears that such Entreaties carry the Face of Commands which put the Electors or Collators in any Danger for their Refusal. As to the Election it self, the Order for proceeding to it was thus: When the Day of Election is come, the Mass of the Holy Ghost shall be celebrated in

In 1214.

*Reformat. Protocol.* p. 612, 674. *fin.*

(1) As to forc'd or sollicited Elections, see *Clemang.* Cap. XVIII.

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the Morning, when all that have a Right of electing, ſhall go up to the Altar, where every one ſhall take the following Oath upon the Goſpels, in Preſence of the Clergy and all the Laity: *I, ſuch a one, Canon of ſuch a Chapter, being call'd to the Election of a Biſhop, do ſwear before God, before all the Saints, and particularly, before ſuch Patron or Patroneſs of this Church, that I will chuſe, without Intereſt, without Hatred, without Favour, without Hope, without Fear, and without any Carnal Affection, as I am to give an Account thereof at the laſt Day, the Perſon whom I ſhall think moſt capable of this Adminiſtration, both in Spirituals and Temporals. So help me God.*

*V. d. Hardt*, T. I. p. 674.

XLIV. THE Reforming College proceeding to the Capacity requir'd in the Prelates, orders that hereafter none be admitted to the Epiſcopacy, but Perſons diſtinguiſh'd both for their Learning and Virtue: That no one ſhall be made a Biſhop, who is not a Doctor of Divinity, or of the Canon and Civil Law; or at leaſt, acknowledg'd to be a Man of Learning, by a ſtrict Examination But ſuch as are elected to poor Biſhopricks that do not yield above 400 Florins Revenue, are excus'd from this ſevere Scrutiny; becauſe 'tis not eaſy to find Perſons of diſtinguiſh'd Merit that will be content to take them. As to the Abbats and Priors, 'tis ſufficient that they be *formal* Licentiates (1) in Divinity: And to the end that there may be always Subjects proper to fill up the Eccleſiaſtical Offices, 'tis order'd that in every Cathedral Church ſufficiently endow'd for that Purpoſe, there ſhall be a Prebend for a Reader in Divinity, who ſhall be oblig'd to read twice a Week; and another for a Doctor of the Civil and Canon Law. That in Cathedral Churches the fourth Part of the Prebends ſhall be for Graduates in Divinity, Law and Phyſick, as well as in ſuch Collegiate and Parochial Churches as are in conſiderable Towns; and that Learning and Virtue ſhall have the Preference of Birth in the obtaining of Prebends and Dignities in Cathedral Churches and Monaſteries.

About the Capacity of the Prelates.

XLV. As to Reſidence, the Reforming College requires that Biſhops publiſh every Year in their Churches a Mandate to their Abbats, not exempted, and to the other benefic'd Perſons oblig'd to Reſidence, not to be abſent therefrom, without good Reaſons ſpecify'd in the Letters of Diſpenſation, and not to give their Inferiors Leave to be abſent, without the ſame Precaution. At the ſame time, the Biſhops, and the other Ordinaries are forbid to take any thing for Diſpenſations of this kind, when they think proper to grant them. The Abbats often excus'd themſelves from reſiding, under Pretence of ſtudying or teaching Divinity ſomewhere: But this Pretext is con-

About Reſidence.

(1) That is to ſay, ſuch as have been examin'd and receiv'd, according to the Forms, and not by meer Bulls. *V. d. Hardt*, T. I. p. 637. cap. 34. & 642. cap. 35.

demn'd by the College, becauſe Abbats ought not to be admitted, who have not ſufficient Capacity; and that moreover, it were better they ſhould mind the Government of their Convents, than the Inſtruction of Scholars. Nor are Abbats allowed to abſent themſelves for the Exerciſe of Secular Employment, nor to ſerve as Counſellors to Princes; becauſe an Abbat ought to be dead to the World. And if Biſhops neglect to ſee this Decree executed, they ſhall be inform'd againſt in the Provincial Councils, where they ſhall be cenſur'd; and afterwards in the General Councils, where they ſhall be puniſh'd according as the Caſe requires. I muſt obſerve that a Diſtinction had been made for a long Time, between Benefices of Reſidence, and thoſe of Non-reſidence. The Benefices of Reſidence were ſuch as requir'd Cure of Souls; and thoſe of Non-Reſidence conſiſted of certain Titles and Dignities, from which nevertheleſs they receiv'd Revenues. Father *Paul* ſays, that this is an abominable Diſtinction, and *that it only proceeded from the Ambition and Avarice of the Popes, who thought it would be a Means to promote their Temporal Power.*

*Hiſtory of the Council of Trent*, p. 199.

The Clergy are requir'd to receive Orders.

*V. d. Hardt*, T. I. p. 615. Cap. xv. & *Sext. Decret.* L. I. Tit. vi. Cap. xiv.

*V. d. Hardt*, T. I. p. 678. Tit. iv.

XLVI. IT often happen'd, to the great Offence of the Laity, that Biſhops held Biſhopricks, and Curates Pariſhes, without receiving Prieſts Orders. The Reforming College had already thereupon made a Regulation, that the Popes ſhould grant no Diſpenſations to the Biſhops, for above one Year. It orders the ſame Thing now, with regard to the Curates and their other Inferiors; and that when they grant a Diſpenſation for a whole Year, it be not without an important Reaſon, which ſhall be expreſs'd in the Writ of Diſpenſation. And if a Biſhop, or other Prelate, happens to confer Orders upon Perſons unworthy, or incapable thereof, ſuch as Children or ignorant Perſons, he ſhall be and continue ſuſpended from his Benefice, till he be reſtor'd to it by the Apoſtolical See.

Simony prohibited to the Prelates.

XLVII. THE inſatiable Avarice of the Biſhops was the principal Source of their Remiſſneſs in the Exerciſe of Diſcipline, as well of the Privileges which they granted to their Inferiors; or of the Acts of Violence and Extortion, with which they oppreſs'd them. Therefore the Reforming College makes a General Decree, by which they are forbid all manner of Simony, and the moſt infamous in this reſpect are order'd to be proſecuted by Judges of Integrity and Learning. From thence the Reforming College proceeds to the Detail of the various Acts of Simony, which were committed by the Prelates. The Archbiſhops and Biſhops often diſburthen'd themſelves of their Miniſterial Functions, and laid them upon the Shoulders of other Titular Biſhops to whom they promis'd Penſions, to the Expence and Ruin of Churches and Benefices, for ſatisfying the Avarice and Greedineſs of ſuch Titulars. The Archbiſhops and Biſhops were order'd to perform the Functions of their Miniſtry themſelves; or,

*V. d. Hardt*, T. I. p. 628. c. XXVI. & 739. Tit. II. Cap. I, II, III.

*V. d. Hardt*, T. I. p. 633, 634. cap. 32.

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in Case of Necessity, to have them perform'd by others, who should do it *gratis*, and demand nothing but what is lawfully due according to the Canons; and that the Punishment, both of the Principal and Substitute, as well as of him who is ordain'd after a Simoniacal Manner, shall be Deprivation. The Prelates are likewise forbid to treat with any one whatsoever, for succeeding to their Benefices.

THE Popes having been accustom'd to grant *Gratiæ Expectativæ*, Bulls and Rescripts, contrary to the Disposition of the Law; and there being Forgers, moreover, who counterfeited the Bulls of the Apostolical See, the Custom was introduced of causing those Letters to be examin'd and certify'd by the Bishops: But the latter often made the poor Clergy, who had already given a handsome Sum for their Dispatches at the Court of *Rome*, pay dear for their *Testimonials*. The Council severely forbids this kind of Simony, and orders the Prelates, on Pain of Excommunication, to refer the Examination of the Pope's Letters to an able and conscientious Doctor of the Canon Law, who shall give his Certificate, and take no more for it than two Grosses *Tournois*, on Pain of being deny'd Entrance into the Church for six Months.

*Non ultra duos Grossos Turonenses.*

THERE was another Abuse, which the Reformers call'd *damnable*, *viz.* The Prelates exacted the Revenues of the first Year, and sometimes the second Year's Revenues of the Benefices vacant in their Dioceses: A burdensome Imposition upon those that held poor Benefices, who had often been at very great Expence for obtaining them, and who had not wherewithal to maintain themselves, much less to exercise Hospitality. Every such Exaction is absolutely prohibited on Pain of Excommunication.

*V. d. Hardt*, T. I. p. 727. Tit. xii. cap. 1.

THE Prelates, and other Ordinaries of Places, are likewise forbid, on Pain of Suspension, to appropriate to themselves the Revenues of any Benefice in Sequestration; but they must be deposited with him who has the Administration of the Benefice, or with two neighbouring Priests, who shall take Care to collect them, and keep them, till the Suit is decided, for the Use of the Person that carries it.

*V. d. Hardt*, T. I. p. 687. Tit. ii. *Clement* Lib. II. Tit. vi

THE Prelates, who had an Understanding with their Canons, in Consideration of a Sum of Money, or for some Exemption which the former granted to the latter, frequently exacted extraordinary Subsidies from their Clergy, which they call'd *Consolation* (1) and Procuration Money, under Pretence of Visitations when none were made, excommunicated the poor Clergy who had not wherewithal to pay, and put the Churches, Monasteries, and Ecclesiastical Territories under an Interdict. The Reformers forbid the exacting of such Subsidies, without great Necessity, of which the Provincial Council

*V. d. Hardt*, p. 747. Tit. viii. Cap. 1.

(1) Subsidia Consolationis, *Propinæ*, & *Procurationis*.

ſhall be Judge, and condemn the Exactors thereof to loſe their Benefices.

THE Prelates are alſo forbid, on Pain of Excommunication *ipſo facto*, and of other Puniſhments which ſhall be inflicted by the Synods, to ſubject the Abbats, Priors and Prioreſſes, Churches and Monaſteries, to perform any Drudgery or Service for Temporal Things, ſuch as their Hunting, their Troops, Equipages, Buildings, *&c.* And 'tis declar'd to be an abominable Thing, that they who ought to be the Defenders of Eccleſiaſtical Liberty, ſhould be the firſt Men to oppreſs it.

*V. d. Hardt*, T. I. p. 729 & 749.

As the Churches, Monaſteries, and Clergy were often inſolvent, or being oppreſs'd, refus'd to pay illegal Impoſitions, there was nothing more common than the interdicting of the Places, and the Excommunication of Perſons; and thereby Excommunication was become extremely contemptible. The Reformers forbid the laying of Churches, Monaſteries and Places under Interdict, and renew the Bull of *Boniface* VIII. upon that Head, adding, that whoever infringes the ſaid Regulation ſhall be ſuſpended for a Year from his Benefice. As to the Excommunication iſſued for having (1) refus'd any Charitable Subſidies, it is declar'd null and void *ipſo facto*.

*V. d. Hardt*, T. I. p. 751. cap. iv. *Extravag. Comm.* V. x 11. *V. d Hardt*, p. 754. Tit. ii.

The Juriſdiction of the Biſhops. Father *Paul* of Beneficiary Matters, p. 37.

XLVIII. ORIGINALLY, neither the Biſhops, nor the other Clergy, had any Juriſdiction, properly ſo called. Their Office was to teach, and to labour for the Salvation of Souls, by Preaching, Exhortation, by the Adminiſtration or by the With-holding of the Sacraments. They were ſometimes called indeed to decide Quarrels which happen'd between private Perſons relating to temporal Affairs, but it was to be equitable and peaceable Arbitrators, and not to be Judges, as appears from St. *Auſtin*'s XXXIIId Letter. Inſenſibly, thro' the Negligence or Superſtition of the Temporal Princes, and in Imitation of the Popes, the Biſhops were inveſted with both Swords, and aſſum'd the Authority of committing to Priſon, and impoſing Fines, and other temporal Penalties; in a word, they challeng'd a Juriſdiction diſtinct and independent on the temporal. This was the Cuſtom at that Time. The Reforming College carefully diſtinguiſhes in the firſt Place thoſe Cauſes which come under the Eccleſiaſtical Juriſdiction, from ſuch as are dependent on the Civil Juriſdiction, in order to obviate the Diſturbances, Law Suits and Wranglings, which might ariſe from the confounding of thoſe two Juriſdictions.

*Auguſtin*, T. II. p. 48. *fin.*

THESE are the Cauſes which, according to the Reformers, appertain to Eccleſiaſtical Juriſdiction. 1. Beneficiary Cauſes, even where the Laity have the Right of Preſentation. 2. All Cauſes of Eccleſiaſtical Perſons, whether Injury, or any other Concern, be the Caſe

(1) Concerning Excommunication, ſee *Von der Hardt*, T. I. Part IX. p. 530.

in queſtion. 2. Every thing that relates to the Eccleſiaſtical Livings, of what Nature ſoever. 3. Matrimonial Cauſes, Dowries and Marriage Portions. 4. The Cauſes of Widows, Pupils, and the Poor. 5. Hereſies, Schiſms, and even publick Crimes, as Uſury, Adultery, Fornication and Perjury, when they are not puniſh'd, or when they are conniv'd at by Temporal Juſtice, and ſuch wherein that Juſtice is itſelf a Party, which ought to be prov'd by the Oath of the Plaintiff before two Witneſſes. 7. All Civil Cauſes, wherein the Parties voluntarily ſubmit to the Eccleſiaſtical Judge. 8. Crimes confeſs'd before the Eccleſiaſtical Judge: Legacies and Donations for pious Uſes. This is enough to ſhew the Extent of the Eccleſiaſtical Juriſdiction, and the Extent, or rather the Limits of the Civil Juriſdiction.

AFTER having ſettled this Diſtinction, the Reforming College forbids every Eccleſiaſtical Judge at the Suit of either of the Parties, to cite any Clergyman or Layman, till he has firſt examin'd in Preſence of a Notary and Witneſſes, whether or no the Affair is cogniſable by the Eccleſiaſtical Tribunal; after which, if the Citation takes place, it ſhall be ordered and executed with as much Speed and as little Expence as poſſible. But if it happens, that the Judgment of this Cauſe does not appertain to the Eccleſiaſtical Judge, then the Plaintiff ſhall be condemn'd to pay Coſts, and the Affair ſhall be referred to the Temporal Judges. When the Eccleſiaſtical Judge has paſs'd Sentence, he ought to tax the Coſts with the ſame Equity and Moderation, as if he was that very inſtant to give an Account of it at God's Tribunal. Thoſe who have been unjuſtly excommunicated, he ought to abſolve *gratis*, and without requiring any Satisfaction: And as to thoſe, whoſe Excommunication appears juſt, he ought to take it off by impoſing ſome ſpiritual Acts of Attonement, according to the Nature of the Crime; and if he think fit to impoſe a pecuniary Fine, he ought to employ the ſaid Sum in pious Uſes, which are known, in order to avoid Simony, which would be manifeſt, if he appropriated it to his own Uſe. Every Eccleſiaſtical Judge that infringes this Regulation, ſhall be deprived of all his Offices and all his Benefices in the next enſuing Synod. *V. d. Hardt*, T. I. p. 683.

THE Prelates and other Ordinaries are likewiſe forbid to exerciſe their Juriſdiction in the Country, in Places where it would not be ſafe for the Parties, and where Lawyers and Advocates could not conveniently be had; on Failure of which, the Parties ſhall not be oblig'd to come thither, the Judgment ſhall be null, and the Judge ſuſpended from his Office. The Reforming College likewiſe enjoyns the Prelates, Arch-deacons, Priors, Arch-prieſts, and others having Eccleſiaſtical Juriſdiction, to chuſe none for Judges and Officials, but Men skill'd in the Law, Perſons of known Probity, and ſuch as are not marry'd, nor ſuſpected on account of any Alliance or Kindred with the Ordinary, *Ibid.* p. 679. Tit. VI. Cap. 12.

dinary, who ſhall be *ipſo facto* excommunicated, if he fails to obſerve this Regulation.

Order, Subordination, and a good Underſtanding recommended among the Prelates.

XLIX. AS the Uſurpations and Exemptions of the Court of *Rome*, had been the Occaſion of ſuch great Confuſion, that the Prelates of the Provinces obſerv'd no Order, nor Subordination, nor Intelligence with one another; and whereas inſtead of uniting for the Maintenance of the Eccleſiaſtical Liberty, they made War upon one another, at the Sollicitation of the Laity, the College orders that in every Provincial Synod, all the Com-provincial Prelates ſhall ſwear to be true to, and to aſſiſt one another, for the Maintenance of Eccleſiaſtical Liberty, and for the Obſervation of every thing that ſhall be agreed upon in the National and Provincial Synods, and that every Prelate ſhall take the ſame Oath to his Superior when he is confirmed.

*V. d. Hardt*, T. I. Tit. VIII. cap. 1, 2. p 681, 682. of Truce and Peace.

MOREOVER, the Prelates are forbid, on Pain of Suſpenſion not to be taken off but by the Pope, to undertake any Wars, either againſt the Clergy, or againſt the Laity, unleſs they are thereunto obliged by the Authority of their Sovereigns (*a*), or that there is no Poſſibility of reclaiming the Offender by a Courſe of Juſtice and Eccleſiaſtical Cenſures. As Wars of this Kind among the Clergy were frequent, eſpecially in *Germany*, it was reſolv'd that the Deputies of the *German* Nation ſhould conſer thereupon with the Cardinal of *Florence*.

(*a*) *Principis ſuperioris.*

*V. d. Hardt*, T. I. p. 644. cap. 44.

Order to the Prelates to grant the Certification of the Apoſtolical Letters, ſpeedily, and at an eaſy Rate.

L. WE have already obſerved, that in many Parts of *Germany*, the Apoſtolical Letters were not received till they had been inſpected by the Biſhops, to prevent Impoſition and Fraud. But the Biſhops abuſing this Priviledge, had found out the Secret of extorting Money from the Parties, before they would grant them their *Vidimus* or Teſtimonial, ſo that the poor Clergy who had paid a round Sum for their Letters from the Court of *Rome*, were put to farther Expence to have the Approbation of their Prelates. Theſe Prelates moreover referred the Examination of thoſe Letters to Perſons ignorant of the Canon Law, who often knew not the *Latin* Tongue, and by conſequence gave their Teſtimonials without any Knowledge of the Cauſe. The College thereupon enjoins all the Prelates, on Pain of Excommunication, to eſtabliſh in every Cathedral Church ſome Perſon skill'd in the Law, and of well known Probity, to examine the Letters of the Court of *Rome*, and to give Teſtimonial of their Validity, without taking for each Diſpatch more than three Groſſes *Tournois*; and if he refuſe to grant the ſaid Teſtimonial Letters in the Time appointed, or if he exact more than the Fee, he ſhall be under an Interdict not to enter the Church for ſix Months, and be ſeverely puniſhed in the enſuing Synod, if there be Occaſion.

THE Prelates are forbid to exceed the Terms of Law in the judging of their inferior Clergy, and unleſs the Clergyman be flagrantly criminal, or refuſe to ſubmit to Juſtice, it is not lawful for the Prelate to commit him to Priſon. If he ſubmit to Juſtice, his Prelate ought not to refuſe him either Advocates, or Attornies, or Notaries, nor any thing that is neceſſary for his Defence. *V. d Hardt*, T. I. p. 749. Tit. VIII. cap. 11

LI. THE Corruption of the Clergy being already of a very old Date, they needed no more than to renew the ancient Canons touching their Manners. For this Reaſon, the Reforming College enjoins the Biſhops to cauſe them to be obſerved by viſiting their Dioceſes every Year for this Purpoſe, and ſeverely to puniſh the fornicating Clergy, thoſe who game, eſpecially at Hazard, ſuch as frequent Taverns, thoſe who follow Traffick, thoſe who walk in Lay-habits, who go a Hunting, or frequent Shews and Maſquerades. But the Prelates are very expreſsly enjoyn'd not to pocket any Part of the pecuniary Fines which they ſhall impoſe upon their Inferiors. Of the Manners of the Clergy.

LII. THE Fornication and Incontinency of Prieſts was for a long time a great Scandal to the Church. About the End of the eleventh Century I find this Diſaſter condemn'd in ſeveral Provincial Councils, particularly that of *Poictiers* in 1078, in that of *Conſtance* in 1094, and in that of *Piacenza* the Year following. The ſecond *Lateran* Council held in 1139, orders that the Clergy who marry or keep Concubines, ſhall be deprived of their Benefices, and forbids the hearing of Maſſes from ſuch Prieſts. This Licentiouſneſs of the Clergy was got to a great Height in the thirteenth Century, but was not ſpar'd at that Time, as appears from the Acts of the fourth *Lateran* Council in 1215. Concubinage was alſo forbid in a Council at *Oxford* in 1222, and in many others of divers Countries. The ſame Severity was obſerved in the fourteenth Century, when this Diſorder was condemn'd by two Councils, *viz.* that of *Presbourg* in 1309, and that of *Saltzbourg* in 1 3 . I leave it to Judgment, whether the Clergy amended themſelves in the fifteenth Century, when all the other Diſorders increaſed. There were many People at that Time, who looked upon the Prohibition to marry, and that to keep Concubines, as two incompatible Laws. Cardinal *Zabarella* was not very far from this Opinion, becauſe in his Project for a Reformation, he ſays it would be better to permit the Prieſts to marry, than to tolerate their Whoredoms (1). It appears by a Letter (2) from *Ulric* Biſhop of *Augſburg* to Pope *Nicholas* I, that *Gregory the Great* was the firſt Man that forbad the Prieſts to marry; but that the ſaid Pope hearing, Fornicating Prieſts condemn'd. *Du Pin* and *Cave*. (2) *Caſuariebenſis*, [illegible]

(1) *Circa concubinarios provideatur cum effectu, alias ſic negligendo præſtaret permittere conjugium Clericis.* *Ap. V. d. Hardt*, T. I. p. 524.

that

that his Prohibition gave occaſion to the Debauchery of the Prieſts, and to the expoſing of Infants, he revok'd it. *Platina* puts (*b*) a very good Saying in the Mouth of Pope *Pius* II. who was of the ſame Century, *viz.* That if there were good Reaſons to prohibit the Marriage of Prieſts, there were ſtronger Reaſons to permit it. Be this as it will, the Reforming College cenſures the Prelates for their Connivance at this Crime, which he repreſents as publick, and orders that every Clergyman who is a notorious Fornicator, tho' he be a Biſhop, ſhall loſe all his Secular and Regular Benefices, if he does not put away his Concubine in a Month's Time. As to ſuch who have not yet any Benefice, they ſhall be declar'd diſqualified from obtaining any, and ſubject to all the Penalties inflicted by the Canons. A Queſtion was debated in the Reforming College, about which the Doctors were divided, *viz.* Whether they might hear Maſs, and receive Communion from a Prieſt notorious for Fornication, tho' he had not yet been admoniſhed by his Biſhop. Some ſaid, that the Notoriouſneſs of the Fact was a ſufficient Warrant not to receive the Communion from his Hands; others, that it was abſolutely neceſſary to ſtay for the Admonition of the Biſhop, to avoid the giving of Scandal too ſoon. The latter Opinion carry'd it. The College enjoins alſo, that the Children of Prieſts ſhall not be admitted to Orders, that they ſhall poſſeſs no Benefice nor Prebend, unleſs they are diſtinguiſhed in an extraordinary Manner by their Virtue, Knowlege, Talents and Birth, or unleſs it be ſome ſingular Inſtance in a Country, and that there be no Scandal in it. In theſe Caſes they may be admitted to Benefices by a Diſpenſation from the See of *Rome*, but not otherwiſe.

(*b*) *Platin.* p. 311. col. 2. fin.

*V. d. Hardt*, T. I. *p.* 635, 636.

Divers Regulations concerning the Clergy.

LIII. ALL the Clergy are likewiſe forbid to uſe Violence, and to concern themſelves in Battles, Skirmiſhes, Fires and Invaſions, as had been the Practice of ſome, whether they were paid for it, or put upon it (1). That if they ſet light by the Excommunication which ſuch Conduct is liable to, they ſhall be proſecuted in the next Council, even to the Deprivation of their Dignities and Benefices. There are alſo Regulations for the inferior Clergy. The Parſons are ordered to reſide in their Pariſhes, to have a Vicar in the incorporated or united Churches, to viſit their Flock, to be always in the Habit of a Clergyman, to live in Celibacy, in Continency and Sobriety, and the Biſhops are very expreſsly forbid to ſettle a Parſon in a Pariſh of which he knows not the Language. This is very near all that relates to the Biſhops and the other Paſtors. We proceed to the Canons.

(1) While I write this (*March* 22. 1711) I hear that a Monk was concerned in a Plot to ſet Fire to the Magazine of *Liſle*.

LIV. EVERY

§ IV. EVERY Body agrees that the *French* Term *Chanoine*, comes from the Word *Canon*; either becauſe the Canons ought to live canonically, that is to ſay, according to the Canons of Eccleſiaſtical Diſcipline, or becauſe every one received a certain Portion, or Meaſure of Corn, or other Food which was call'd *Canon*. *Paſquier*, in his *Recherches de la France*, ſays he does not think their Inſtitution to be very ancient, becauſe there is no mention of 'em in any Council before *Charlemaign*'s Time (1). *For*, ſays he, *they had much ado as Men to avoid being diſorder'd every now and then in their Duties, and to be call'd upon by the Councils to provide ſome Regulations for their Diſcipline.* Indeed I don't find, that before the ninth Century, any mention is made of the Secular Canons, who compoſe the Chapter of a Cathedral Church, who are as Council to the Biſhop, and who have a Right to chuſe one when the See is vacant. For as to the *Regular Canons*, their Inſtitution is aſcrib'd to St. (2) *Chrodegand*, Biſhop of *Metz* in the eighth Century. They are a Sort of Monks ſubject to a certain Rule which was given them by the Biſhop juſt now mentioned. Corruption crept in among the Secular Canons, as well as into the other Eccleſiaſtical Orders. This is the Picture of 'em drawn by *Nicholas Clemangis*, who, as 'tis known, lived at the Time of the Council of *Conſtance*. *I need not*, ſays he, *mention the Canons, who are all like to their Biſhops, ignorant, idle and ſluggiſh, Simoniſts, covetous, ambitious, Slanderers, inquiſitive into others Affairs, drunken, incontinent, and live like the true Swine of* Epicurus's *Herd.* We muſt now ſee what were the chief Regulations the Council of *Conſtance* made with regard to 'em.

Of Canons.

*Paſq. Rech. de la France*, L. III. chap 5. p. 104.

*Clem.* of the corrupt State of the Church Cap. 20. p. m. 18.

WHEN a Canon obtain'd a Prebend, he ſerved ſome Time for only a Part of the Revenues of it, which is what they call *Stage* or *Station*. The Reforming College orders, that the Canons ſhall be in *Station*, that is to ſay, that they ſhall not receive all their Revenues, till they have ſurmounted the Sums appropriated to pay the Expences incurr'd for Divine Worſhip, for Copes, and the like; but it forbids the Canons to make a Profit of thoſe Stages, and to ſhare them between one another, or to oblige the Perſon inducted to give a Treat, or to take more than a Florin of him upon that Score, if he is diſpoſed to give it. The Cuſtom of the Chapters to appropriate the firſt Year's Revenue of the Prebend to the Fabrick, and thoſe of the ſecond Year, not to the Prebendary, but to other Perſons, is tolerated; but the Term is forbid to be prolonged, and the Diſtribu-

(1) Look into *Anaſtaſius* for the Eſtabliſhment of the Canons under *Gregory* IV. in 827. p. 164.

(2) This is the Name *M. Du Pin* gives him, Tom. VI. p. 104. Father *Meurisſe* Biſhop of *Mader*, in his Hiſtory of the Biſhops of *Metz*, calls him *Godegrand*, with the Stile of Archbiſhop.

tions are reserved for the Person inducted, if he serves on the Day of his Admittance. As to Admittances that are by Reversion, nothing can be demanded for them till the Prebend is vacant, and till the Person presented is in peaceable Possession.

*Capitulum.* EVERY Cathedral Church has a Chapter consisting of a certain Number of Canons, who, as I have said, serve as Council to the Bishop, and have the Right of chusing one when the See becomes vacant. I think *Pasquier* judg'd very well, when he consider'd them as *a Nursery of Men of Honour about the Bishops, some of them Deacons, others Sub-Deacons, to be afterwards transplanted, as Occasion offer'd to other Churches, and ordain'd Priests*, &c. But many Abuses were crept in among them. Under Pretence of an *Indulto* of the Holy See, or of *Custom*, scarce any were admitted into the Chapters but Noblemen, and very often ignorant Soldiers, who lived after a Manner perfectly answerable to their Education. From hence arose a great Scandal, *viz.* That those *Canons* were promoted to the See, *when they could scarce speak a Word of* Latin, and were nothing so much concern'd for the Salvation of Souls, as for aggrandising themselves by Force of Arms, and by a Behaviour altogether carnal. The Reformers order, that hereafter, not only Noblemen, but others also shall be admitted, provided they have the necessary Capacity, and that they be Masters of Art, or Doctors of Divinity. There must at least be always four of this Character, and they forbid the granting of Prebends in Cathedral Churches, or the admitting of Canons to them under eighteen Years of Age, and who are not at least Sub-Deacons.

*V. d Hardt,* T. I p. 695, Tit. III. Cap. 1.

IN Cathedral Churches they distinguish between *Prebendary* Canons and *Capitular* or Chapter ones. The Prebendary Canons are those who have a Prebend without being of the Chapter. The Capitular ones are they who compose the Chapter. There has often happen'd to be a great Number of Prebendaries, and very few Chapter Canons, the latter of whom did not give themselves much Trouble to increase their Number, because the fewer they were of them, the greater was their Share of the Revenues of the Chapter. The Reforming College orders the Prebendaries to be admitted into the Chapter in six Days after their Request, unless there be any Bar to their Reception, such as too much Youth, or Ignorance, and that the Canons who refuse to receive them, shall lose the Revenues of their Prebend, and pay double the Perquisites which the Prebendary might have laid Claim to, if he had been admitted.

*V. d. Hardt,* T. I p. 697, 698. Cap. 3.

THE College forbids the Canons, whether Prebendaries or Capitular, to appropriate to themselves the Portion of the Canons that are absent, or suspended for their Absence; and requires a Dividend to be made of the Revenues of those that are absent or suspended, for

P. 679. Cap. IV.

for augmenting the Prebends; or that they be employ'd for the Uſe of the Church, notwithſtanding any Oath taken to the contrary.

IT was become a Cuſtom to ſet apart a certain Portion of the Revenues of the Church for the old Canons; ſo that an old Canon had often a thouſand Florins Revenue, while the youngeſt had not ten. The College abſolutely condemns the Avarice of the old Men, *quæ temporis vetuſtate juveneſcit*, which grows young as Time grows old; makes all thoſe Reſervations void, and requires that every Thing be equally divided, without any Diſtinction of Age. *Ibid.* Cap. V.

IT may well be imagin'd, that there was Caballing and Oppoſition in the Chapters, as well as every where elſe. Very often one or two Canons, or ſeveral, tho' few in Number with regard to the whole Chapter, carry'd it by their Oppoſition, and without any Reaſon, againſt what had been reſolv'd on by a majority of Votes. The College blames this Cuſtom as abuſive, makes all ſuch Oppoſition void, and condemns the Contraveners to loſe their Prebends. *V. d. Hardt*, T. I. p. 701. Tit. v.

THE Election of Biſhops depending on the Chapters, the Canons made the Biſhop elect take unjuſt Oaths, that they ſhou'd be exempt from the Juriſdiction of their Prelate, and often of their Dean, in order to live more licentiouſly. The Synod makes all thoſe Oaths void, releaſes the Biſhops from them, and orders them to add this Clauſe to the Oath which they take at their Election, *I ſwear to obſerve theſe Cuſtoms and Statutes, as far as they are juſt, poſſible, honeſt, and may be obſerv'd with a good Conſcience.* The Synod likewiſe diſolves all Leagues and Confederacies ſworn between the Canons before the Election of a Biſhop. *V. d Hardt*, T. I. p. 690. Tit. iv. Cap. i, & ii. See alſo *V. d. Hardt* p. 643. Cap. 43.

AN Abuſe was crept into ſome Cathedral Churches, which was, when a new Canon was admitted, of what Condition, Age, and Capacity ſoever, he was oblig'd to ſwear, that he would continue under the Rector of the School, or Doctor of the Prebend, till he had obtain'd his Diſmiſſion, or was ſet at Liberty; ſo that during that Time, he was not admitted in the Chapter: And if the new Prebendary had not Money enough to redeem himſelf from his Bondage under the Rector, it often happen'd that the Doctor was the Diſciple, and that a very able Man could not put himſelf forward. The College forbids the demanding ſuch Oaths from Graduate Perſons, or ſuch as are full twenty-three Years old, and who may be Prieſts, or ſuch as have formerly been Capitulars in other Cathedrals, and makes all Oaths in the like Caſes void. It alſo forbids the Rector of the School to hinder a young Prebendary from going to ſtudy in an Univerſity, or to recall thoſe who are there with that View, on Pain of being turn'd out of his Office. *Scholaſticus.*

ANOTHER Abuſe had been introduc'd for a long Time, which was, that when a Biſhop dy'd, the Canons ſeiz'd all that he had left, Jewels, Money, and other Moveables, and ſhar'd them one among another,

another, instead of leaving it to the Community, or to the Successor. *Boniface* VIII. severely prohibited this sort of Pillage, in [illegible]; and the College renew'd the Prohibition, by aggravating the Penalty against the Transgressors. There's another Regulation relating to Subordination in the Chapters. The Reformers order the inferior Officers, and particularly the Chaplains and Sacristains, who are call'd *Choragi* ( ) to be submissive to their Dean.

Of the Monks.

LV. AMIDST so general a Corruption, one would have thought that Piety and Austerity of Manners would at least have found Sanctuary in the Cloysters. But if we may believe the Historians of that Time, the Proverb was then verify'd, which says, that *The best Things turn to the worst Corruption.* We have already seen the Complaints of several famous Doctors upon that Head, which Complaints were far from being new, for they had been repeated from Age to Age, ever since St. *Anthony* (2), one of the first Institutors of the Monastick Order. They were nothing like the Successors of that Holy Man, who, after having distributed his Substance among the Poor, retir'd to a Desart of *Egypt*, which he never came from, but to relieve his Brethren, and to do Works of Charity and Piety. It was a long Time that the Monks were not to be known by the Character which *Gregory* of *Nazianzen* gives of them, in more than one of his Orations, and particularly, in the ninth, wherein he describes the Monks as a *Choir of Christian Philosophers, who have no Earthly Attachments, as Men dead to the World; and who, that they might live only to Jesus Christ, have, as it were, separated their Souls from their Bodies.* Before the end of the fourth Century, they degenerated very much from the Severity of their Institution, as appears by the Testimony of *Gregory* himself, St. *Austin* and St. *Jerome*, who, in several Parts of their Works, actually represent the Monks as Drones, Hypocrites, Flatterers, and Parasites, who settled themselves in Houses, under Pretence of Devotion. In the *Theodosian* Code, we find several Laws against the vagabond Monks who meddled with Secular Affairs, and often disturb'd both Church and State, with their Violence and Intrigues. In the sixth Century the Monks took still greater Liberties: St. *Benedict* being made Abbat of a Monastery, could not digest their Be-

Orat. 9. p. 159 & 12. p. 191.

St. *August. de op. Monach.* T. VI. p. 364, 365. See St. *Jerom* T. I. 47. *fin.* & 48. *init.* & 145. B. & 131. H. B. X. VI. p. 175. D.

(1) I find by the learned and illustrious Abbat *Bignon*, that the *Choragus* among the *Greeks* and *Romans*, was he, who furnish'd the Ornaments and Habits of the Scene and Actors, which he proves from these Words of *Persa* in *Plautus*, Act I. Sc III. 78, 79.

TOX. *Ornatam adduce lepide in peregrinum modum;*

SAT. Πόθεν *ornamenta?*

TOX. *Abs choragio sumito.*

*Choragium* was the Place in which those Habits and Ornaments were shut up, and *Choragus* the Person who had the Custody thereof; so that *Choragus* in the Church must be the Keeper of the Sacristy or Vestry.

(2) He flourish'd about the Beginning of the fourth Century.

haviour,

haviour, but left them, and founded the Order of *Benedictines*. Pope *Gregory*, ſurnam'd *the Great*, made ſeveral Regulations concerning the Eſtabliſhment and Conduct of the Monks and Monaſteries, as appears from many of his Letters, of which we ſee Abſtracts, in the Authors who have writ his Life. There are ſeveral Ordinances of *Juſtinian*, about the Monks and Convents. In the ſeventh Century, St. *Maximus*, who was a Monk himſelf, complains that the generality of the Monks led irregular Lives, and that their ſeeming Virtue was no better than Hypocriſy. The ſecond General Council of *Nice* made ſundry Regulations to reſtrain the Licentiouſneſs of their Lives; which Rules were renew'd in ſeveral Councils of the ninth Century. *M. Dupin* tells us, that in the tenth, *the Monks were extremely irregular, and that the Biſhops were oblig'd to turn ſeveral of them out of their Cathedrals, and to put the Secular Clergy in their Places.*

*Dupin* T. VI. p. 118. *Derys de* St. *Martha* Life of *Greg.* p. 288, 289. *Juſtin Novell.* 123. *Dupin* Cent. VIII. p. 25. c. 2. in 8vo. Cent. VIII. p. 145. Cent. X. *M.* p. 64.

As Corruption ſtill prevail'd in all the Orders, no better Things can be expected in the eleventh Century, with regard to the Monks. There needs no other Witneſs of it, than *Peter Damian* a Monk of that Age, who repreſents the Irregularities of his Brethren, in a very lively Manner. In the twelfth Century, they found a great Patron in the famous *Abelard*, who took their Part againſt the Regular Clergy, by whom they were inſulted. Mean time we may judge of the Enormities of the Monks of that Age, by the Characters which St. *Bernard* has drawn of them; of which there are large Extracts in *M. Dupin*. It appears from the Conſtitutions of the Council of *Paris*, held in 1212, that the Meaſures which had been taken towards a Reformation prov'd very unſucceſsful. The XIVth Century is a notable Date for the Monks, and eſpecially for the Minor Friers, who render'd themſelves famous by their Diſputes upon two Queſtions equally frivolous: The one related to the Faſhion of their Cowl, and of their Habits, which ſome were for having ſhort, ſtrait, and coarſe; and others longer, wider, and ſomewhat finer. There were four of them, who, for defending the Strictneſs of their Habit, obtain'd the Glory of Martyrdom by being burnt at *Marſeilles*. The other Queſtion was to know whether they had a Property in the Goods of which they had the Uſe, as in the Bread which they eat, the Wine which they drank, *&c.* *John* XXII. having given a Deciſion for the Property, and for a Habit that was not altogether ſo ſtrict, contrary to the Opinion of his Predeceſſors, and almoſt in Contradiction to the whole Order of St. *Francis*, the Minor Friers declar'd that Pope to be Antichriſt, or at leaſt his Forerunner, and the Church of *Rome* the See of *Babylon*. The Emperor, *Lewis* of *Bavaria*, did not fail to joyn with the Monks, and to make their Grievances a Pretext for depoſing *John* XXII. as a Heretick. This Sketch may be ſufficient to ſhew the Genius of the Monks of thoſe Centuries.

*Opuſc.* 12. *ap Dupin* Cent. XI. p. 95. c. 1. *Dup.* 12. Cent. p. 113. Cent. 12. p. 83, 84, *&c.* *Dupin* Cent. 13. p. 161.

*Dupin.* Cent. 14. p. 28.

WE

WE are now come to the fifteenth Century, and yet find them not a Jot the better. The Popes having found by Experience, how powerful and formidable their Party was, left no Stone unturn'd to gain their Affection. During the Schiſm, they granted them in ſeveral Parts of Chriſtendom a great Number of new Exemptions and Privileges, which render'd them more enterpriſing than ever. Therefore 'tis one of the firſt Articles of the Reformation, to revoke all the Exemptions granted ſince the Schiſm to Monaſteries and any Religious Houſe whatſoever, without the Conſent of the Ordinaries, and without Knowledge of the Cauſe. However, Places newly founded, and under the Clauſe of Exemption, are excepted as well as Univerſities. Nothing was more juſt than to reſtore to the Biſhops, and the other Ordinaries of Places, the Juriſdiction which by Right appertain'd to them, the Exemptions of the Popes having only ſerv'd to pamper the Luſt and Ambition of the Monks, becauſe they were always ſtudying how to make an Advantage of their Immunities at the Court of *Rome*. There were alſo ſome Prelates and Temporal Lords too, who granted certain Immunities to Religious Perſons and Houſes, againſt the Conſent, and to the Prejudice of the Juriſdiction of their own Prelates. The College revokes all Grants of this Nature made ſince the Bull of *Innocent* IV. 1245.

*V. d. Hardt*, p. 620. cap. 20. & 711. cap. VII.

*V. d. Hardt*, T. I. p. 707. Cap. IV.

THE Monks being very ſubject to diſpenſe with one another's Obſervance of their Rules, the College orders them, on Pain of Impriſonment, and other Puniſhments, according to the Caſes, to adhere inviolably to their Inſtitute, eſpecially in the three eſſential Things, which are *Obedience*, *Chaſtity*, and *Poverty*; and for the reſt not to exceed the Mitigations which the Fathers had provided againſt the Severity of the Rule.

*Sext Decret.* I. 6. Tit. vii. Cap. I. *V. d. Hardt*, T. I. p. 703. Tit. x. Cap. I.

THE Reforming College looks upon the Renunciation of all Propriety in Eſtates, of any kind, as eſſential to the Monaſtick Profeſſion: Mean time, there were both Friers and Nuns, who, thro' the Permiſſion or Connivance of their Superiors, had Money in their Poſſeſſion with which they purchas'd Lands and Annuities, by Means of which they got Liberty to reſide without the Walls of the Convent, or to live in the Convent itſelf, more at their Eaſe than others, which were the Occaſion of Murmurings and Diſguſts that often produc'd great Scandals. The College forbids all Superiors to permit or tolerate ſuch an Abuſe, on Pain of being depriv'd of their Dignities and Juriſdiction; and orders the Offenders to be oblig'd, in three Days after Notice given them, to deliver up all that they poſſeſs, into the Hands of the Superiors, on Pain of Excommunication and Impriſonment. Finally, as the Neglect of holding Chapters for the Viſitation of the Convents, and for the Reformation of the Manners of thoſe who liv'd in them, had introduc'd great Remiſſneſs in their Diſcipline,

*Ibid.* Cap. V. & Cap. XIII.

Discipline, they were order'd to hold the Capitular Congregations punctually for the Time to come.

SIMONY was as general a Crime in the Monasteries, as in the other Ecclesiastical Orders. In the Convents of both Sexes, secret and sometimes publick Bargains were made for the Admission of Persons into the Monastery, on the Payment of a certain Sum of Money. *We receive you*, they said, *into our Spiritual Society, for the Love of God, out of pure Charity, and without demanding any Gratuity; but it concerns you so to act that we may be able to maintain you.* The Reforming College absolutely prohibits all these Pecuniary Contracts, whether imply'd or explain'd, on Pain of Excommunication, as well of the Receivers as of the Givers. Cap. V. I.

THE Monks often made a Transition from one Order to another that was less rigid, by a Dispensation from their Superiors. They afterwards obtain'd Leave to be absent from their Monasteries, and to live like the Secular Clergy, without troubling themselves about their Rule. The Superiors are forbid to admit any Person into their Order, but upon Condition that he always stays in it; and the Ordinaries of the Places are commanded to arrest Vagabonds and secularis'd Monks, as *Apostates*; and to deliver them up into the Hands of their Superiors to be imprison'd for Life. Cap. VI. Ibid. Cap. VII.

THE Monks and Regular Canons are likewise forbid to govern in Commendam, or otherwise, those Secular Parishes which lye without the Extent of their Monasteries, and to set up for Judges among the Laity, under Pretext of any Privilege whatsoever.

THE Abbats and other Superiors of Convents are likewise forbid to cause their Convents and Houses to be govern'd by a single Monk, and several Reasons are urged for this Prohibition. The first is taken from that Passage of *Solomon*, understood in a mystical Sense, *Wo to him that is alone when he falleth, for he hath not another to help him up.* 2. Because a single Monk cannot perform the Divine Office. 3. Because if he be alone, he has no Witnesses of his good Life, and being moreover not watched by any body, he is the more likely to fall into Sins of Luxury and Incontinence. 4. A Constitution of *Clement* V. which forbids the very same thing. See *Peter d'Ailli ap. Gerf.* T. II p. 811. D. *Clementin.* L. III. Tit. X. cap. 6.

THE College revokes all the Privileges granted to Abbats of wearing the Mitre, the Pastoral Staff, Crosier, the Ring, and the Sandals, because 'tis a Privilege which belongs to the Bishops, and to which an Abbat cannot lay Claim without Presumption, and raising the Envy of other Abbats. But the Abbats of the Order of St. *Benedict*, who have been always in Possession of this Honour, are excepted out of this Regulation. 'Tis observable, that *Martin* V. in some Measure violated this Regulation, when upon the Day of his Coronation, which was *Nov.* 21. 1417. he permitted all the Abbats that were not mitred, Cap. X.

mitred, then preſent at the Ceremony, to wear the Mitre on that Anniverſary during their Lives.

See the Bull of *Alex.* V. *ap. Laun. Eccl. Trad. circa Canonem omnis utriuſque & Peter d'Ailli ap. V. d. Hardt*, T. I. p. 912. *Laun. ub ſup.* p. 308. In 1227. In 1215.

WE have obſerved ſomewhere in this Hiſtory, that *Alexander* V. granted a great many Privileges to the Mendicant Friers, to the Prejudice of the Beneficed Clergy. By virtue of theſe Privileges, they rambled from one Pariſh to another; and the moſt ignorant of them, by pretending to preach, render'd Preaching contemptible. They diſtributed Indulgences for Money, and boaſted that their Abſolution was much more effectual than that of the Beneficed Clergy. They drove ſecret Bargains with private Perſons to engage them to be buried in their Monaſteries, and to leave them Legacies to the Prejudice of their Ordinaries. *John de Launoy* tells us, that theſe Diſputes between the Beneficed Clergy and the Friers began in *England*, by means of a Bull of *Gregory* IX. which licenſed the preaching Dominicans to confeſs. The *Engliſh* Parſons appeal'd to the Bull of the *Lateran* Council *Omnis utriuſque*, which orders People to confeſs to their own Parſon, and not to another, without the Permiſſion of the Ordinary, as it was decreed by *Urban* II. in 1090. Mean time the Privilege of *Gregory* IX. ſubſiſted, and was extended in time to all the Mendicant Friers in ſpite of the Prohibitions of General Councils, as well as of a particular Council held at the *Lateran* in 1254. Pope *John* XXII. by a Bull condemn'd one *John de Poliac* a Profeſſor of Divinity, who had maintain'd, that the Pope had no Right to give the Monks the Privilege of Confeſſing, to the Prejudice of the Beneficed Clergy, and the ordinary Confeſſors. *Alexander* confirmed this Bull on the 4th of *October* 140, notwithſtanding the Conſtitution of the *Lateran* Council OMNIS UTRIUSQUE. When this Bull of *Alexander* V. was carry'd into *France*, it made a very great Noiſe there. The Univerſity and the Biſhop of *Paris* oppos'd it. *Gerſon* pleaded the Cauſe of the Beneficed Clergy, and publickly maintain'd, by Order of the Biſhop and the Univerſity, that it had been gain'd ſurreptitiouſly, or elſe extorted, and that there was an abſolute Neceſſity to demand the Repeal of it. The Reforming College vacates all thoſe Privileges, and requires, that hereafter they adhere to the Bull of *Clement* V. which forbids the Friers to confeſs and to adminiſter the Sacraments without a Special Permiſſion from the Clergy who have Benefices.

*Laun. ubi ſup.* p. 128.

NEVERTHELESS in 1446, *Eugene* IV. renew'd *John* XXIId's Grant, by a Bull, which however was not publiſhed till 1448, by *Nicholas* V. The Univerſity vigorouſly oppos'd it, and alſo turned all the Begging Friers out of their Body, but they were reſtor'd ſome Years after by *Calixtus* III. Since that time, there have always been great Diſputes between the Univerſity of *Paris* and the Friers, which continued in the

the Time of the famous Dr. *Launoy*, who in 1672. publiſhed a Diſſertation upon it.

ALL the Friers are forbid to travel the Country on Horſeback, or in a Lay-Habit, without a Permiſſion in Writing from their Superiors, on Pain of being apprehended and impriſoned by the Ordinaries of the Places.

THERE were ſeveral Monks and Nuns of the Order of *Minor Friers*, who under colour of the third Rule of St. *Francis*, went abroad from their Convents with the Scapulary, as if they led ſtricter Lives than others, while they lived together in a ſcandalous manner, and traverſed thro' the Woods and Fields, begging their Way, to the great Prejudice of the real Poor. They were alſo accuſed of joining with the *Begards* and *Beguines*, who were Perſons ſuſpected of Hereſy. To remedy this Diſorder, all Monks and Nuns of the third Order of St. *Francis* are forbid, on Pain of Excommunication to wear the Scapulary, and are ordered to conform to the others who are under the ſame Rule. The Superiors are forbid to receive the Minor Friers who run out of their Convents under this Habit, and the Ordinaries are commanded to proceed as well againſt the Superiors, as the Inferiors, who contravene this Decree.

*V. d. Hardt*, T. I. p. 716, 717. Concerning the *Begards*. See *Geſ.* T. I. p. 55. 3. p. 114. B. T. III. p. 569. 1-62. A. 174. C. 455. D.

THERE is an Order that no Superiors ſhall be admitted into the Monaſteries, if they have not been choſe canonically, and according to ancient Cuſtom, notwithſtanding all the other Regulations of General Chapters, and every Kind of Grant or Privilege. P. 717. Cap. XV.

IT was the Cuſtom in the General Chapters of the Mendicant Orders, that when the Superiors of Convents confeſs'd and begged Pardon for any Crime, they reſign'd the Seal, and the Chapters re-elected them, or elſe choſe others. But as there was a Remiſſneſs in this reſpect, the Reforming College requires that when they reſign the Seal, they be at the ſame Time deem'd to reſign the Office, and that the Chapters proceed again to elect them, or to chuſe other Superiors, according as it ſhall be thought expedient. Cap. XVI.

THE Superiors are forbid to demand any thing of the Friers, either for Writing, or Sealing, on Pain of Excommunication not to be taken off but by the Pope, or in *Articulo mortis*. And if the Superior, who is excommunicated, undertake to celebrate Maſs before his Abſolution, he ſhall be deprived of his Office, and the Chapter ſhall aſſemble to elect another. Cap. XVII.

IN order to check Ambition, ſo incompatible with the Condition of Beggars, 'tis ordered, that a Provincial ſhall not continue above ſix Years in that Office, if he is a Maſter of Arts, or Batchelor of Divinity; but if he be only a Reader, and has not taken any Degree, he ſhall continue in it but three Years. The Graduates ſhall always be prefer'd, provided that in other reſpects they are qualified Cap. XVIII.

for the Employment. The Provincials shall be oblig'd to assemble their Chapters every Year, notwithstanding any Dispensation whatsoever, unless when there happens to be a General Council.

Of the Nuns. LVI. THE following Regulations relate to the Nuns, among whom there were two Abuses to be prevented. The one was, their going out to beg, contrary to the Honour of their Sex, which does not allow them to ramble from Place to Place; the other was, their possessing Things in Property, under Pretence of Gifts from their Kindred, contrary to their Vow of Poverty. In order to remedy both these Abuses, the College forbids the admitting of any Nun into a Convent, if there be not sufficient to maintain her without her being obliged, either to beg, or to have any thing in Property, under any Pretence whatsoever (1).

IT often happen'd that the Nuns being admitted too young to make a Profession, fell into Crimes, which they would have escaped, in case they had been permitted to quit their Convent and marry (2). Therefore the College orders that no Nun shall be admitted to make a Profession, till she is twenty Years of Age; and that every Profession made before that Age, shall be look'd upon as illegal and void. *For*, say the Reformers, *tho' Virginity is preferable to better Things, yet Marriage being an honourable holy State ought not to be condemn'd.*

Cap. XXI. THERE's a Constitution of *Boniface* VIII, dated in 1298, which orders the Nuns to keep strictly to their Cloisters, unless in Case of Sickness, or some special Permission which shall not be granted till after mature Deliberation. The very same Constitution forbids them to enter into the Monasteries of the Men, and to admit Men into theirs, without express Leave, in order to avoid the Temptations of the Flesh. The Reforming College renews this Ordinance, and the Prelates are oblig'd to cause it strictly to be observ'd, on Pain of being depriv'd of every Dignity, Spiritual and Temporal.

*Sext. Decret.* L. III. Tit. xvi.

Cap. XXII. WHEN a Nun had committed a Fault, the Secular Prelates, that is to say the Bishops, thought they had a Right to correct them. The College thinking this Practice somewhat indecent, forbids the Secular Prelates to meddle or make in those Censures; and orders them to be passed by the Regular Prelates, that is to say, the Superiors of Convents, unless the latter be convicted of Negligence in this Respect.

Cap. XXIII. As it is not decent for young Nuns to go out of their Convents to sollicit the Affairs or Concerns thereof; and as those who are advanc'd in Years are not always in a Capacity to do it; the College commands that the Ordinaries of the Places, or the Superiors of the Convents, in Concert with the Abbess and Prioress (3), shall in every

(1) The very same Ordinance had been made by *Boniface* VIII. in 1298.

(2) See the horrid Picture of the Nuns of that Time, drawn by *Nich. Clemangis*, *ap. V. d. Hardt*, T. I. p. 3⁷. Cap. XXXVI.

(3) *Abbatissæ, Præpositissæ & Magistræ.*

Cloister

Cloister establish Attornies or Agents of a good Reputation, and a ripe Age, but especially such as are not suspected of Incontinency, *de vitio carnis non suspecti*, who shall every Year give an Account of their Management (1).

THE Nuns are order'd to eat out of the same Dish, to drink of the same Liquor, and to be clad in the same Habit, in order to prevent Jealousy, and other ill Effects of Distinction and Inequality; and all the Friers and Nuns are to wear those Habits constantly, in and out of their Cloisters, which distinguish their different Orders, the *Benedictins* from the *Bernardins*, the *Friers Minors* from the *Augustins*, *&c.* Cap. XXIV, XXV.

THAT's all that was done for the Reformation of the Monks. Probably it was too early to lay hold of the Advice which the Cardinal of *Cambray* had given, to lessen the Number of the Monasteries and Friers, especially of the Mendicants, who were a Charge upon all Mankind, as well as to hinder so great a Variety in the Orders, which could not but occasion Distinctions of Vanity and Pride. But let's hear him in his own Words, *Videtur quod tanta Religiosorum numerositas & varietas non expediat, quæ inducit ad varietatem morum, & quandoque ad contrarietatem, & repugnantiam observationum, & sæpè ad singularitatem & ad superbiam, & vanam extollentiam unius status super alium. Et maximè videtur necessarium, ut diminuerentur Ordines Mendicantium, quia tot sunt & in numero Conventuum, & in numero Suppositorum, ut eorum status sit onerosus hominibus, damnosus leprosis, hospitalibus ac aliis verè pauperibus, quibus convenit jus & verus titulus mendicandi, ipsis quoque Curatis Parochialibus, &, si benè consideretur, etiam præjudicialis omnibus Ecclesiæ statibus. i. e.* So great a number and Variety of Religious Orders does not seem expedient, because it introduces diversity of Manners; sometimes contrary and inconsistent Observations, and oftentimes Singularity, Pride and a vain extolling of one Order above another. And it seems especially necessary that the Orders of Mendicants should be diminish'd, because there are so many, both for the Number of Convents and Agents, that their Order is burdensome to Mankind in general, detrimental to the Lepers, to those in Hospitals, and to others that are really poor, who have a true Right and Title of begging; as also, to the Parish Curates; and, if duly consider'd, prejudicial likewise to all the Orders of the Church. *Alliac ap. Gerf.* T. II. p. 911.

LVII. THE Reforming College made some Regulations for the Laity also. We have already seen what Bounds it prescrib'd, as well to the Ecclesiastical, as to the Civil Jurisdiction. The Lay Judges ought not to meddle in Ecclesiastical Affairs, any farther than they are requir'd for maintaining the Ecclesiastical Liberties and Immunities. Regulations for the Laity. *V. d. Hardt*, T. I. p. 613.

(1) See almost the very same Decree, *Sext. Decret.* Lib. III. Tit. xvi. n. 3.

THE Temporal Nobility are forbid to inſult and vex the Secular and Regular Clergy, by calling upon them for Carriages, Lodging, Food for their Dogs and Birds, and the like Average.

THO' there were very ſevere Laws againſt the Laity who exerciſed any Manner of Violence whatſoever upon the Clergy, and who uſurp'd the Church Revenues, yet the Temporal Lords did ſometimes commit Eccleſiaſticks to Priſon, preſcribe, maltreat, and even kill or maim them. 'Tis true, that when the Matter was examin'd, it often appear'd that the Clergy had as much exceeded the Bounds of their Juriſdiction as the Laity.

*Iliacos intrà muros peccatur, & extrà.*

The College ſeverely forbids all Spiritual and Temporal Princes, Counts, Barons, Bodies Corporate, Cities and their Governors, Captains and Magiſtrates, to give Shelter to ſuch Infringers of the Eccleſiaſtical Liberties, even tho' they ſhould have Safe-Conducts, unleſs they ſhould come thither to treat of an Accommodation, on Pain of having the Place that ſerves as a Harbour for the Criminals, put under an Interdict. Moreover, the College requires that when any one preſents himſelf to receive Holy Orders, the Biſhop ſhall carefully examine whether He, or his Father, or his Grandfather, even up to the third Generation, has not committed ſome Acts of Violence againſt the Clergy or their Eſtates, or whether he has not directly or indirectly favour'd ſuch Acts; and if he be convicted of having ſo done, he ſhall not be admitted, without a Diſpenſation from the Apoſtolical See, which ſhall not grant it till he has made ſuitable Satisfaction to the Parties concern'd.

*V. d. Hardt, T. I. p. 167.*

AMONG the Regulations for the Laity may be inſerted that which relates to the Notaries and Scriveners. There were ſuch Numbers of them ſettled in ſeveral Parts of the World, and thoſe ſo groſsly ignorant, that their Inſtruments were ſcarce valid any where; and People would ſooner take the Word of a private Gentleman. And being not only, not Men of Letters, but unacquainted with ſo much as the Court Terms, they generally ſign'd Things which they did not underſtand. The College enjoins the Ordinaries of the Places, by the Emperor's Permiſſion (*annuente Sereniſſimo & Inviſtiſſimo Principe Domino Sigiſmundo, Rege ſemper Auguſto*) to appoint Perſons of Underſtanding and Integrity, carefully to examine the Notaries and Scriveners, as well with regard to their Capacity, as to their Behaviour, and to approve thoſe that ſhall appear to be qualified, and to reject the others.

THE following is a Regulation of a mix'd Nature, becauſe it takes in both the Clergy and Laity. In ſome Places the Prelates, and even the

the Lay Patrons of Benefices us'd to pocket every Thing that a Clergyman left at his Death, whether he dy'd with a Will, or Inteſtate, and never gave a Penny of it to the Church or the Poor, nor paid the Debts of the Deceaſed; ſo that there was not enough remaining to defray the Charges of the Funeral. Sometimes too, they ſeiz'd Eſtates of Inheritance, to the Prejudice of the lawful Heirs. The College, *ipſo facto*, excommunicates all the Clergy and Laity who ſhall be guilty of ſuch Outrages; and if a Clergyman remains ſix Months under Excommunication, without making Reſtitution, he ſhall be depriv'd of his Benefice, and declar'd incapable of poſſeſſing another; he ſhall loſe his Right of Patronage; his Lands ſhall be put under an Interdict; and finally, if he does not make Satisfaction, he ſhall be deny'd Burial after Death.

HERE follows another Regulation, common both to the Clergy and Laity. In Churches and Benefices that were incorporate and united, it was the Order that the Prelate or Clergyman that held the Benefice ſhould have a Vicar who ſhould be handſomly maintain'd out of the Revenues of the Church, according to the Bull of *Clement* V, in 1312. But the Prelates and Lay Patrons had ſuch a Way of ſqueezing thoſe poor Vicars that they had ſcarce enough left to live upon: When any one came to obtain a Vicarſhip, without troubling themſelves about his Abilities, they bargain'd with him for the beſt Part, not only of what was to accrue to him from the Benefice, but alſo from the Offerings, which are Things caſual and uncertain. The College makes void ſuch Bargains, as tyrannical and ſimoniacal, and diſcharges the Vicars from all Oaths they may have taken upon this Occaſion. *Clement* in. Lib. 3. Tit. 12.

ACCORDING to the Canon Law, the Judgment of Matrimonial Cauſes belongs to the Eccleſiaſtical Tribunal. Mean time there were ſome Temporal Lords who had a Way of bringing that ſort of Cauſes before them, either for the Hinderance of lawful, or to favour unlawful Marriages. The College orders the Clergy, on Pain of Excommunication, to oppoſe thoſe Uſurpations in their Dioceſes, and to interdict the Lands ſubject to thoſe Temporal Lords who ſhall render themſelves guilty of this Crime after having had Canonical Admonition. *V. d. Hardt*, T. I. p. 785

THE Temporal Lords are forbid, under the ſame Penalty, to hinder the Prelates from making their Viſitations, and to thwart them in the Correction of Manners, and in the Spiritual Puniſhment of Crimes, ſuch as Hereſy, Adultery, Perjury, Fornication, Uſury, &c. They are alſo forbid to give Protection to the *Begards* and *Beguines*, who ought to be frequently viſited by the Prelates, becauſe their Conduct was ſuſpected of Singularity. *V. d. Hardt*, *ubi ſupra* 242.

BESIDES theſe Regulations which relate to the Clergy and the Laity, there are others which may be call'd General, becauſe they

concern the whole Body of the Church in general, or to speak more clearly, the whole Christian World. In this Rank we must place the Article of the Reformation of the Calendar.

The Calendar reformed. *Blondel's* History of the Calendar. Part 3. *Blondel, ubi sup.* p. 202, 203.

LVIII. *Notice had been taken a long while*, as Mr. *Blondel* says, *of the Disorder and Confusion that in Process of Time had attended the Festivals of the Church, by Reason of the Defects of the old Calendar:* "A Difference of a few Minutes or Seconds of Time, which the Ancients were ignorant of, or neglected in the Calculation of the Revolutions of the Sun and Moon, being multiply'd by a Succession of many Years, was increas'd to such a Degree that the Festivals mark'd in the Calendar were very remote from that Time of the Year, with which they ought naturally to correspond.

"THE Feast of *Easter* was no longer celebrated at the Full Moon of the first Month, but frequently pass'd to the second, in which there were none that could legally celebrate it, according to the Command of the Jewish Law, but the Unclean and the Lepers. It fell out no longer as it ought to have done, between the fifteenth Moon and the twenty-first, and often passed to the twenty-fifth.

"AND if earnest Care and Pains had not been taken to stop the Course of those Errors, as they increased more and more, the Disorder and Confusion would have been so great at last, that the Festival of *Easter*, after having entirely quitted its due Season in the first Month, would not only have fallen in that of the Unclean and the Lepers, but would have pass'd in Process of Time, to the third and fourth Months, that is say, to the Heat of Summer, then to the Autumn, and from thence to the other Seasons of the Year. So that when it had exceeded the Bounds of the fifteenth Moon and the twenty-first, it would not only have pass'd to the twenty-fifth, but would have extended also to the twenty-sixth, twenty-seventh, and even to the New Moon, which is the greatest of all the Absurdities that can possibly happen in this Matter, and the most contrary to the positive Command of God's Law.

"FOR the same Reason the Day of our Lord's Nativity having abandon'd the Winter Solstice, would have leap'd to the Vernal Equinox, and from thence to the Summer Solstice; while the Birth-day of St. *John* Baptist would have been advanced to the Autumnal Equinox, and from thence to the Winter Solstice. The same Prayers which the Church has judiciously order'd to be made, according to the different Seasons, would have become entirely ridiculous and improper; and it would have been a Jest, to have beg'd of God to moderate the violent Heat of the Sun, at a Time when the Earth would have been cover'd with Snow; or to have pray'd for Rain to bring the Plants forward, at a Time when the Corn was laying up in Barns and Granaries". I thought

thought that a Preamble ſo inſtructive, and from ſo good a Hand, would not be diſagreeable to the Reader.

THE Sciences being a little reviv'd about the End of the fourteenth and beginning of the fifteenth Centuries, the Learned ſet about remedying this Diſorder by the Rules of Aſtronomy. In 1411, the Cardinal of *Cambray* wrote a Treatiſe upon it, which was next Year preſented to *John* XXIII, in the pretended Council of *Rome*. That Pope approv'd of the Cardinal's Project, but judiciouſly put off the Execution of it till after the entire Union of the Church under one Obedience. When *John* XXIII. was depos'd, when *Gregory* had reſign'd, and every Thing was in a Readineſs for the depoſing of *Benedict*, the Cardinal renew'd his Propoſitions concerning the Reformation of the Calendar, and the Treatiſe he wrote upon it was publickly read at *Conſtance*, in St. *Paul*'s Church: A good Extract of it is the more proper to be given, becauſe this important Article has been intirely neglected by the Annaliſts and Hiſtorians of thoſe Times. But, as I don't truſt to my own Knowledge on this Subject, the Publick ſhall be oblig'd for this Piece of Hiſtory, to a learned Friend of mine (1), who has a very good Notion of theſe Matters, as well as in many other Sciences which are not common.

*V. d. Hardt*, T. III. p. 71.

In the Month of *March*, 1417.

(1) *M. des Vignoles*, a Member of the Royal Academy of Sciences at *Berlin*.

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## *A ſhort and plain Abſtract of the Treatiſe of* Peter d'Ailli, *Cardinal of* Cambray, *concerning the Reformation of the Calendar.* Von der Hardt, T. III. p. 72, &c.

### CHAPTER I.

THE Eccleſiaſtical Hiſtorians ſay, that in the ſecond Century the Chriſtian Churches were divided in relation to *Eaſter*; and that the Queſtion was debated with very great Heat. The Churches of *Aſia*, whoſe Authority was a broken Apoſtolical Tradition, celebrated this Feſtival on the fourteenth Day of the Moon, on what Day of the Week ſoever it fell out; while the other Churches put off the Solemnity to the Sunday following, becauſe that was the Day on which Jeſus Chriſt roſe again. The latter Sentiment was approved by ſeveral Provincial Synods, and afterwards confirm'd by the famous Council of *Nice*.

*Euſeb.* V. 25, &c.

I follow the Orthography of *M. des Vignoles*.

ABOUT an Age before this Council, a Biſhop nam'd *Hippolytus* had propoſed a Cycle to regulate the Feſtival of *Eaſter*; and in (*a*) the following Ages, ſeveral learned Men propoſed new ones, particularly *Euſebius* of *Cæſarea*, *Theophilus* of *Antioch*, *Cyril* of *Alexandria*, *Proſper* and *Victor* of *Aquitain* (or *Guienne*,) *Denis*, ſurnam'd *the Little*, a *Roman* Abbat, the Venerable *Bede*, an *Engliſhman*, and ſome others more modern.

(*a*) *D'Ailly* §. 4. ſays *poſtquam*, but probably it ſhould be *poſt quem*.

THERE has not been that Exactneſs obſerv'd in latter Days, which is the Reaſon that we now find *Eaſter*, and the other Feſtivals depending upon it, very far from their true Poſition, as we are now going to demonſtrate.

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## CHAPTER II.

THREE Errors have been the Cauſe of this Diſorder: 1. 'Tis ſuppoſed that the Year conſiſts of 365 Days and a quarter exactly; ſo that by adding four Quarters together, which make a Day, it was thought ſufficient to add one Day to every fourth Year, which was call'd *Biſſextile*. But it appears, by Calculation, that the Year is not ſo long by about eleven Minutes, that is to ſay, the Sun returns to the very ſame Point about eleven Minutes ſooner than is ſuppoſed.

2. THIS firſt Error has neceſſarily occaſion'd a ſecond, *viz.* a Suppoſition that the Equinoxes and Solſtices, by which the Moveable Feaſts are regulated, always happen'd upon the ſame Days of the Year, whereas in 134 Years Time they ought to be a Day forwarder.

THESE two Errors would be remedy'd, if at the end of 134 Years a Day was ſuppreſs'd, either in that Year, if it happen'd to be *Biſſextile*, or in the next *Biſſextile*, which Year might be call'd the *Jubilee* Year.

3. THE third Error is owing to a Suppoſition made by all the Cycles which have been invented, that the ſame New Moons return at the ſame Moment of Time at the end of nineteen Years, whereas it wants, ſtrictly ſpeaking, an Hour and about forty Minutes: So that at the end of 304 Years, they are advanc'd one whole Day, and near three Hours, (or two Hours and forty Minutes,) and People of the meaneſt Capacities have obſerv'd that for near 200 Years the New Moons have happen'd three or four Days ſooner than they are ſet down in the Calendar. So that if this Error was ſuffer'd to continue, the Conſequence will be that after the Expiration of 4256 Years, the Days which are mark'd in the Calendar for the New Moon, would be the Days of the Full Moon.

CHAP-

## CHAPTER III.

THE Equinoxes and the Solſtices have not always had the ſame Situation in the Calendars. In the Time of *Hippocrates*, (and near 500 Years after) in the Time of *Pliny*, the Equinoxes and Solſtices were fix'd upon the Days which the *Romans* diſtinguiſh'd by theſe Words *VIII Calend.* that is to ſay, the Equinoxes on the 25th of *March* and the 24th of *September*, and the Solſtices upon the 24th of *June* and the 25th of *December*. Others put them down four Days ſooner. The firſt Opinion was adher'd to for ſome Time by the Primitive Church, which placed the Vernal Equinox upon the Day of the Annunciation, *March* 25; the Autumnal Equinox on the Conception of St. *John* the Baptiſt, *September* 24; the Summer Solſtice on the Birth-day of that Saint, *June* 24; and the Winter Solſtice on the Day of the Nativity of our Lord, *December* 25. But afterwards the Church fix'd the Vernal Equinox upon the 21ſt of *March*, becauſe it happen'd very near upon that Day, not many Years after the Council of *Nice*.

THEREFORE when ſome Authors ſay that Jeſus Chriſt was born at the Winter Solſtice, it ought not to be underſtood in the utmoſt Exactneſs, but very near. For 140 Years after Jeſus Chriſt, *Ptolemy* obſerv'd the Winter Solſtice on the 22d of *December*, and the Vernal Equinox on the 22d of *March*. At this Reckoning, therefore, the Winter Solſtice muſt have happen'd on the 23d of *December*, at the Time of the Birth of Jeſus Chriſt, and the Vernal Equinox on the 23d of *March*; becauſe in ſuch a Space the Sun loſes but little more than a Day, as we have already obſerv'd.

THE Conſequence of this Loſs of Time was, that in the Year of our Lord 1267, the Winter Solſtice fell out on the 13th of *December*, and the Vernal Equinox on the 13th of *March*; and for the ſame Reaſon we find, according to the Tables of King *Alphonſus*, that this Year of Jeſus Chriſt 1411. the Vernal Equinox will be on the 12th of *March* at four o' Clock in the Morning, or at three quarters after three, according to our Way of Reckoning; the Summer Solſtice on the 13th of *June* at nine Minutes after four o' Clock in the Afternoon; the Autumnal Equinox, on the 15th of *September*, at twenty Minutes after four in the Morning; and the Winter Solſtice on the 13th of *December*, paſt ſeven in the Morning.

BUT becauſe that next Year, the Day of *Biſſextile* will cauſe the Equinoxes and Solſtices to advance one Day, there's a Neceſſity for ſuppreſſing that odd Day, to preſerve the Equinoxes and the Solſtices upon the Days that we have mention'd, and the ſame Thing muſt be repeated at the Expiration of 134 Years.

## CHAPTER IV.

THE *Roman* Calendar having been corrupted by the Neglect of the Pagan Popes, as it is at this Day by the Chriſtian Pontiffs; *Julius Cæſar* reform'd it, and made that Diſpoſition in the Calendar which we call the Golden Number (1). This Emperor reign'd five Years, and our Saviour Jeſus Chriſt was born in the 42d of *Auguſtus* his Succeſſor: So that the Chriſtian Church reckon'd the forty-third Year of *Auguſtus* from the firſt of *January* to be the ſecond Year of Jeſus Chriſt, tho' our Lord was but then eight Days old, becauſe they began their Computation from the Incarnation of Jeſus Chriſt, that is to ſay, from the Day of the Annunciation.

FROM thence it comes to paſs, that the Church of *Rome* at this Day calls it the Year 1411 of Jeſus Chriſt, even before the Annunciation; whereas they, who begin the Years of Jeſus Chriſt exactly at the Incarnation, make the Year 1410. continue to the Annunciation, till which Day they do not begin the Year 1411.

*DENIS the Little* follow'd this laſt way of Computation, for till then the *Greeks* were accuſtom'd to make Uſe of the Years of *Dioclefian*, as formerly they computed by the Years of every Empeperor, according to what we read in the Goſpel, *In the fifteenth Year of the Reign of* Tiberius.

*JULIUS Cæſar* having therefore began his Reign forty-ſeven Years before the Birth of Jeſus Chriſt, if we add this Number to that of 1411, it will follow, that at the End of *December* it will be 1458 Years, ſince the Reformation of the Calendar, and the Eſtabliſhment of the Golden Number.

Strictly ſpeaking 'tis but 1456 Years.

NOW this Number of 1458 contains four times the 304 Years abovementioned, during which the New Moons ought to be four Days forwarder, and the Golden Number as many Days backward in the Calendar. Beſides, there are ſtill 242 Days remaining, which, with 62 others, will make a new Calculation of 304 Years, during which the New Moons will be one Day forwarder. So that if we alſo add thoſe 62 Years to the 1458 already, it will follow that in the Year 1520 of the Reformation of the Calendar, which will be the ſame as the Year of our Lord 1473, the New Moons will be advanc'd, or the Golden Number, by which they are mark'd, retarded five Days, or thereabouts. It

| | |
|---|---|
| 304 | |
| *Mult.* 4 | |
| 1216 | |
| *Add* 242 | 242 |
| 1458 | 62 |
| *Add* 62 | 304 |
| 1520 | |
| *Subſt.* 47 | |
| 1473 | |

(1) This is not altogether exact; for the Reformed Calendar only began the Year which preceded that of the Death of *Julius Cæſar*.

would

would be neceſſary therefore to reſtore the Golden Numbers to their true Place, and always do the ſame at the end of every 304 Years.

NEVERTHELESS it muſt be obſerv'd, that while we treat of New Moons, we have no Regard, either to the Time in which the Moon begins to appear, nor to that of its true Conjunction with the Sun, becauſe neither the one nor the other, of thoſe Months are of the ſame Duration among themſelves, as it is agreed by the Aſtronomers; but they are conſider'd with regard to the Motion which thoſe Aſtronomers call the MEAN Motion, according to which every Lunar Month is twenty-nine Days, twelve Hours and three Quarters, or very near it. Twelve of theſe Months, which conſtitute a Lunar Year, being compar'd with the ordinary Year of 365 Days and a quarter, the Difference between the one and other is what is call'd the Epact, which is generally ſuppos'd to be eleven Days, but there wants about three Hours of it, as we may eaſily find out, if we make one Sum of the twelve Lunar Months, ſuch as we juſt now determin'd them, and ſubtract that Sum from the 365 Days and ſix Hours, which is the common Year.

## CHAPTER V.

WHAT we have juſt now mention'd, ſhews that there could not but be Confuſion in the Chriſtian Feſtivals. For the Council of *Nice* having order'd *Eaſter* to be celebrated on the Sunday after the fourteenth Day of the Moon that happens after the Vernal Equinox, or on the very Day of the Equinox it could not be otherwiſe but it was often celebrated out of its Time, becauſe neither the Equinox nor the New Moons could have happen'd on thoſe Days upon which the Calendar ſuppoſes them; and by conſequence Lent, and all the Moveable Feaſts, as Aſcenſion, Pentecoſt, *&c.* muſt have been celebrated, one as well as another, out of their proper Time.

WHILE the Difference was not viſible, there was no very great Harm done; and when ſome Popes perceiv'd it, they did not dare however to touch it. 1. Becauſe the Error was as yet tolerable. 2. To avoid the Offence, which an Alteration might occaſion. 3. Becauſe they did not yet know the true Duration of the Year, Aſtronomy having been ſcarce cultivated as yet among the Chriſtians.

## CHAPTER VI.

NOW the Church does not want able Aſtronomers, ſhe ought to conſult them, in order, by their Opinion, to reform the abovemention'd Abuſes; I have propos'd three Methods.

1. THE firſt, to omit one Biſſextile Day at every Revolution of 134 Years, which would reſtore the Equinoxes to their Places, but not remedy the New Moons.

2. THE ſecond to omit no Biſſextile Day, but at the Expiration of 304 Years, which would indeed remedy the Anticipation of the New Moons, but would not prove a ſufficient Remedy for that of the Equinoxes.

3. THE third, would be to find out by the Aſtronomical Tables the true Time of the Equinoxes and new Moons. That of the Equinoxes is eaſy to diſcover, either by the Obſervations themſelves, or by Calculation; and as to the Time of the New Moons, one might make uſe of the Method of the *Arabians*, or that of the *Jews*, both which Nations are very fond of Aſtronomy.

BUT if the Church ſhould find it too difficult at preſent, to make a Reformation of the Calendar that is perfectly exact, it might at leaſt, from this Time, cauſe the real Days of the Equinoxes and New Moons to be mark'd in the Calendar which might ſerve for a long Time, and ſecure the Chriſtians from the Banter to which they are expos'd from Unbelievers, particularly the *Jews*.

POPE *John* XXIII. approving the Work, and the Methods propoſed, orders the Publication of the following Table, which regulates the fourteenth of the Paſchal Moons; but he does not command the Uſe of it, till the preſent Schiſm is at an end, and the Affair comes to be entirely ſettled by the unanimous Approbation of the Council.

| *Golden Number.* | *Times of* Eaſter, *or the* XIV Moons. | *Golden Number.* | *Times of* Eaſter, *or the* XIV Moons. |
|---|---|---|---|
| 1 | *April* 2 | 11 | *March* 13 |
| 2 | *March* 22 | 12 | *April* 1 |
| 3 | *April* 10 | 13 | *March* 21 |
| 4 | *March* 30 | 14 | *April* 9 |
| 5 | *March* 19 | 15 | *March* 29 |
| 6 | *April* 7 | 16 | *March* 18 |
| 7 | *March* 27 | 17 | *April* 6 |
| 8 | *March* 16 | 18 | *March* 26 |
| 9 | *April* 4 | 19 | *March* 15 |
| 10 | *March* 24 | | |

HERE

HERE ends the Abridgment of *Peter d'Ailli*'s Treatise. I don't observe that either the Reforming College or the Council took any Resolution as to the Method of reforming the Calendar. Perhaps it was because the Schism being not yet thoroughly suppress'd, they found it difficult to get the Cardinal *de Cambray*'s Project receiv'd universally. The Affair was again brought upon the Tapis at the Council of *Basil*, where *Nicholas de Cusa*, at that Time Dean of St. *Fleurin* at *Coblentz*, and afterwards a Cardinal, compos'd a Treatise on this Subject, which was publish'd in that very Century, immediately after the Invention of Printing. Nevertheless, the Affair remain'd undetermin'd; nor could it be decided at the Council of *Trent*, because, as Mr. *Blondel* tells us, *they had no Remedy to propose there which deserv'd the Approbation of all.* At last, *Gregory* XIII. reform'd the Calendar as it stands at present in all the *Roman* Catholick and in several Protestant Countries, for which Purpose he was assisted by a famous Astronomer at *Rome*, nam'd *Aloysius Lilius*. Proceed we to the other General Regulations.

*V. d. Hardt*, T. III. p. 72.

LIX. ACCORDING to the Canon Law, the Consecration of Churches, Chappels and Altars, is a Prerogative which only belongs to the Popes or the Bishop, exclusive even of Abbats and meer Priests. According to *Platina*, it was *Felix* III. who reserv'd the Consecration of Churches to the Bishops. I have observ'd in this History, that *Wickliff* disputed this Privilege with the Bishops, whose Pretension in this Point he only consider'd as an Effect of their Ambition; and the Censors of this *English* Doctor render no other Reason for this Custom than the Decorum and Dignity of the sacred Things which are administer'd in the Church, and upon the Altars. However this be, it was become a Custom for the Bishops to consecrate Churches and Altars, before any Benefice was annex'd to them; from whence it happen'd, either that they were not serv'd, which would render the Consecration of no Avail, or that their Service was a Burden to the Ordinaries of the Places. The Reforming College therefore forbids the Bishops, on Pain of a Year's Suspension, to consecrate Monasteries, especially in Cities and Towns, and in the Country any exclusive of Chappel or Altar, if both the one and the other are not sufficiently endow'd for the Maintenance of a Minister.

Consecration of Chappels and Altars, *Corvin. Lib.* 2. Cap. 21. *Plat. Fel.* III. p. m. 6.

*V. d. Hardt*, T. I. p. 734.

LX. THE Priests, for the sake of getting Money (1), had introduc'd into the Cathedral and Collegiate Churches, certain particular Masses for some Saint, or for the Soul of some deceased Person; and often, after having said those Masses, they omitted the ordinary Service, or perform'd it but imperfectly (2), without any Solemnity, or Mark of

Masses.

(1) *Clerus magis celer pro pecunia quam pro gratia*, *V. d. Hardt*, T. I. p. 730, 731.
(2) *Sine solemnitate & nota.*

Distinction.

Distinction. The Reforming College condemns such an Abuse, and orders, on Pain of Suspension, that the whole Office for the Day shall be perform'd as usual, after the Celebration of the particular Festival, or the Commemoration of any Death.

Canon of the Mass, *Gabriel de Biel exp. of. Can. Miss.* p. 23. *Grimaud Litur. Sacr.* T. II. p. 146. *Bona de Reb. Liturg.* L. II. Cap. XI. p. 746, 748.

LXI. THERE had been a sad Complaint a long Time, of the great Difference in the Copies of the Canon of the Mass. 'Tis the second, and most important Part of that Ceremony in the Church of *Rome*, because it is preparatory to Consecration. The Doctors of this Church are not agreed about the Original Compilation of this Canon, which is also call'd *secret*, because the Priest, who officiates, says great Part of it with a low Voice. Some ascribe it to *Gelasius* in the sixth Century, others to *Gregory the Great*, others to a certain School-Divine more ancient than those two Popes; and some say it was compil'd before the Time of *Constantine* the Great. Men of the best Sense think nevertheless, that it was compos'd by sundry Persons at several Times, which comes up very near to the Decision of the Council of *Trent* (*a*). Cardinal *Bona* says, that no Alteration had been made (*b*) in the Canon of the Mass, since the Time of *Gregory the Great*, except one only, which *Anastasius* the Librarian ascribes to Pope *Gregory* III (1). This Pope, to favour the Worship of Images and of the Relicks of Saints, which was very much opposed by the Emperor *Leo Isauricus*, had caused an Oratory to be built to the Honour of all the Saints; where having assembled together all the Relicks that he could collect in the whole World, he order'd three Monks of St. *Peter*'s Church to say a Mass to their Honour, by adding to these last Words of the Canon, *and of all the Saints*, this Clause, *whose Memory we this Day celebrate.* But this Cardinal observes at the same Time that this Addition was only for this Oratory; and indeed it is not to be found in the Canon which is commonly read in the Church. Nevertheless the Canon of the Mass could not be always so uniform as this illustrious Prelate pretended, because he tells us himself, that about the End of the twelfth Century, Pope *Cælestin* III. made an Order in the Synod of *York*, that the Canon of the Mass should be revis'd according to an approved Copy, to the end that it might be read every where, in an uniform manner; yet there are several Variations in this Canon observ'd by the Reformers of *Constance:* For instance, they affirm that this whole Passage which was then read in it, *And by all the Orthodox Believers devoted to the Catholick and Apostolick See* (2), was not in the old Books; and that an able Expositor (3) of the Canon, pretends it ought not to be there. This Pas-

(*a*) Council of *Trent*, Sess. 22. Cap. 2.
(*b*) *Bona ubi supra.*

*Bona ubi supr.* p. 746.

(1) In the eighth Century, under *Leo Isauricus*, an Enemy to Images.

(2) *Et omnibus Orthodoxis Catholicæ & Apostolicæ sedis cultoribus.*

(3) This Expositor is *Microlochus*, who in the eleventh Century wrote a *Treatise de Missâ ritè celebrandâ.*

sage

ſage is ſtill read at this Day, except that the Word *Faith* is mention'd in the room of *See*. The Reformers obſerve alſo, that in the ancient Books, after theſe Words, for *thoſe who are preſent, whoſe Faith and Devotion is known to you*, only theſe were read, *who offer you this Sacrifice*; whereas it was ſaid in the Moderns, *for whom we offer up*, or *who offer up unto you*. So it is alſo read at this Day. They obſerve another Variation, *viz.* That ſome Prieſts pronounced theſe Words, *As often as you do this*, before the Elevation of the Chalice, as if they belong'd to Conſecration; whereas others did not pronounce them till after they had ſet the Chalice down. They alſo obſerve ſome other Alterations, which, tho' of no Importance, do however prove the Difference. The Reforming College orders a certain Form which it preſcribes, to be adher'd to, of which I only find the firſt Words, or elſe the *Romiſh* Copy (1). *V. d. Hardt*, T. I. p. 731, 732.

LXII. THE great number of Holidays was another Abuſe that was openly complain'd of at that Time. The Complaints of *Henry* of *Heſſe* upon this Head, have been already obſerv'd. *Peter d'Ailli* alſo expreſs'd himſelf very ſharply upon it in his Treatiſe of Reformation, as well as upon the great Number of Images and Paintings in the Churches. 'Excepting Sundays, and the Great Feſtivals inſtituted 'by the Church, People ought to be allow'd, ſays he, to work upon 'Holidays after Divine Service, as well by Reaſon of the Debau'cheries and Enormities in which the Generality of People indulge 'themſelves on thoſe Days, as out of Regard to labouring Men, 'who have need of all the Time they breathe in, to get their Live'lihood'. It appears by the Sermon which *Gerſon* preach'd at the Council, upon the *Nativity of the Virgin*, that he was of the ſame Sentiments in this Reſpect. But no Man explain'd himſelf more copiouſly and ſtrenuouſly upon the Abuſe of Feſtivals than *Nicholas Clemangis* (2), in a Treatiſe which he compos'd for the very purpoſe, Abuſe of Feſtivals prohibited. *Gerſ.* T. I. p. 91. *Gerſ.* T. III. p. 1358.

(1) As to the Canon of the Maſs, ſee *Biblioth. des Peres*, *Tom.* X. the *Paris* Edition in 1644. p. 697, 739, 1206, and *Platina* in the Life of *Sixtus* I. This Pope, ſays *Platina*, order'd, that at the Celebration of the Maſs they ſhould ſing *Sanctus Sanctus Deus Sabaot*. This Office or Service was very plain (*Schiettamente*, ſays the *Italian* Tranſlator of *Platina*, that is to ſay, pure, ſincere, and unmix'd) at firſt, and every Part of it was ſimple. When St. *Peter* celebrated, he only ſaid the Lord's Prayer, St. *James* Biſhop of *Jeruſalem* amplified the Myſteries, as did St. *Baſil* and others. For *Caleſtin* inſtituted the *Introite* or Beginning of the Maſs; *Gregory* the *Kyrie Eleiſon*; or Lord have Mercy upon us. *Teleſphorus* the *Gloria in Excelſis*, or Glory be to God on High; *Geloſius* I. the Collects (*Collationes*) St *Jerome* the Epiſtle and Goſpel. The Halleluiah was taken from the Church at *Jeruſalem*, and the Creed from the Council of *Nice*; *Pelagius* invented the Commemoration of the Dead; *Leo* III. the Incenſe; *Innocent* I. the kiſſing of the Pax; and *Sergius* order'd the *Agnus Dei* to be ſung.

(2) *Cleman. de novis Celebritatibus non inſtituendis Tract.* p. 143. We may ſee Extracts of it in *M. Dupin's Bibliotheque* T. XII. p. 81.

and which is really worthy to be read, and even to be translated into the vulgar Tongue, for the Advantage of Christendom. *The Reforming College is for the Abolishing of all Festivals which are not instituted by the old Law, and by the Decrees of the Fathers, especially the inferior Holy-days, and particularly those in the Summer-time, when there's a Necessity to lay up Provisions for the Winter, because those Days were generally spent in Tippling-houses and other Places of Debauchery, in Gaming, Dancing, Drinking, Swearing, Blaspheming the sacred Name of God, fighting sometimes, even to the committing of Murder, Robbing, Plundering, and in short, all manner of infamous Lewdness.* But in order to shew that it was not out of any Disrespect to the Saints that the Reformers had made this Regulation, they order that those Days may be kept Holy by the Laity till Mass is over, after which every one may follow his Employment; and that the Clergy shall solemnize them all Day in the Church, at the usual Hours. But the Festival of the Patron of the Church is excepted, which ought to be celebrated all Day, as usual. Mean time they gain'd little by this Regulation; *Gerson* himself, in the Sermon wherein he finds Fault with the Introduction of new Festivals, made a Proposal to the Council to institute one in favour of St. *Joseph*'s *Virginity*. The Council of *Basil* confirm'd the Festival of the *Visitation of the Virgin*, instituted by *Boniface* IX, and a Council at *Cologn* instituted the Festival of the *Compassion of the Virgin*.

*Vid. Hardt, T. I. p. 733, 734.*

*Gerf. ubi supr. Dupin* T. XII. *p.* 01, & 126.

THE Reforming College most severely condemns the Prophanation of the Day of the *Nativity of our Lord*. Some of the Laity and the Clergy too used to spend the Night before that Festival, and a great Part of the Day in Gaming with Dice (1). And if there be no Mistake in the Text, they play'd there in the Name of Jesus Christ, and in the Name of the Virgin. 'Tis order'd that if a Clergyman be guilty of this horrible Impiety, he shall be condemn'd not to celebrate the Divine Office, nor to be present at it, for six Months; and if a Layman, he shall not enter the Church for six Months.

Relicks forbid to be expos'd in publick.

*Dupin* T. IX. *p.* 224.

LXIII. AFTER the superstitious Worship of Relicks was introduced, the Monks took Advantage of the Credulity of the People, to make their Pockets pay for it, by exposing those Relicks in Church-yards and the publick Squares. This Abuse had been condemn'd a great while; I find that a Synod at *Poictiers*, which was held in 1100, forbad the Pulpit to such of the Clergy as carry'd Relicks about to get Money by them. The fourth *Lateran* Council, which was held in 1415, prohibited the same Abuse, which nevertheless was very

(1) *Quidam satrapæ Diaboli attentissima & molestissima intentione ludunt ad taxillos nomine altissimi ejusdem* (i. e. *Christi*) *nomine puerperæ blasphemantur.* Perhaps it should be read *nomina*.

much increaſed in the following Ages. The Reforming College forbids all Clergy, on Pain of Excommunication, *ipſo facto*, to expoſe the Relicks except in the Churches and Monaſteries, where it permits them to do it.

LXIV. INDULGENCIES were at firſt invented by the Popes, under pious Pretexts, ſuch as recovering the Holy Land, the viſiting of the Holy Sepulchre and Sacred Places, *&c.* They afterwards found it a good Handle for raiſing immenſe Sums from all Parts, and they fill'd the World with Collectors, who of their own Authority granted Indulgencies for all manner of Sins, gave Abſolution for Murder, Perjury, Robbery and the like Crimes, diſpenſed with Chriſtians for not keeping their Vows, boaſted the Power of drawing Souls out of Purgatory, and granted the Remiſſion of Sin and Puniſhment to their Benefactors, to the great Scandal of the Church, and the Ruin of the Publick. *Innocent* III. had endeavour'd in vain, to reform this Abuſe at the fourth *Lateran* Council, by forbidding theſe Collectors to be receiv'd, if they had not a Licence from the Pope, of which a Form was drawn up in this Council. In 1255. the Archbiſhop of *Bourdeaux* forbid the Prieſts and Curates in a Synod, to receive the Collectors without his Order, or without that of the Holy See. The ſame Prohibition was renew'd three Years after in a Synod at *Montpellier*, and *Anno* 1279, in a Council at *Buda*. In 1360, I find a Conſtitution againſt thoſe Collectors, by the Archbiſhop of *Cologn*. In 1312. *Clement* V. made a very ſevere one upon the ſame Subject at the Council of *Vienne*, by which he orders the Biſhops to examine the Letters which thoſe Collectors produce as from the Holy See, and to puniſh thoſe who ſhall exceed their Licence; and he revokes all the Privileges that had been granted them in Time paſt. Nevertheleſs the Diſorder increaſed ſo much during the Schiſm that it was become intolerable, as is obſervable from ſeveral Paſſages in this Hiſtory. *Gerſon* did not ſpare thoſe Impoſtors, who, to ſucceed the better in their Traffick, preſum'd to counterfeit Miracles, to make Relicks, and to forge Letters; and *Peter d'Ailli* was for having them abſolutely forbid the Pulpit. The Reforming College conſidering that this Abuſe cannot but end in the Damnation of Souls, the Ruin of the Laity, and the Diſhonour of the Eccleſiaſtical State, which is thereby render'd *contemptible* and *ridiculous*, revokes all Indulgences and Privileges in general, granted during the Schiſm, and even ſince the Conſtitution of *Clement* V. The Council of *Trent* was more ſevere to them, for it aboliſh'd both the Name and Office of theſe Collectors, tho' it had been better if they had done it a little ſooner.

Preachers of Indulgencies or Collectors ſuppreſs'd.

*Dupin* T. XI. p. 111, 128, 129.

*Dupin* T. XI. p. 164.

*Gerſ.* T. I. p. 17.

*Gerſ.* T. II p. 911.

*Conc. Hardt*, T. I. p. 552, 553.

*Council of Trent Sess.* 21.

LXV. THE laſt General Regulation relates to the Treatment neceſſary to be given to the *Jews*, in order to facilitate their Converſion. The Annals are full of the Cruelties which the Chriſtians have exerciſed upon

Regulation concerning the Jews.

upon them, under Pretence of converting them; which ſurely is no Reputation to the Chriſtians, who would have done better to have follow'd the Example of Jeſus Chriſt, who pray'd for them, tho' they had been guilty of his Death. The Pagans themſelves will riſe in Judgment againſt the Chriſtians, becauſe the former made an Alliance with the Jews, and permitted them the free Exerciſe of their Religion. Here I ſhall not ſpeak of the Laws we meet with againſt the Jews in the *Theodoſian* Code, for which, perhaps, there were particular Reaſons, and beſides Princes may do what they pleaſe in their own Dominions. I only ſpeak of the Acts of Cruelty and Injuſtice with which they have been treated from Age to Age, in Hatred of their Religion, and under Colour of converting them. *Platina* ſays in the Life of Pope *Deus-Dedit*, that *Siſebuth*, King of the *Goths*, forc'd all the Jews of his Kingdom to embrace the Chriſtian Religion, by a thouſand cruel Tortures, becauſe it had been propheſied to him, that he ought to beware of the Circumciſed. *Nevertheleſs*, that Hiſtorian obſerves, *he did not eſcape his Deſtiny, becauſe he was oppreſs'd by the* Sarazens, *who obſerve Circumciſion.* Inſtead of contenting themſelves with puniſhing the Guilty, when their falſe Zeal put them upon enterprizing any Thing againſt the Chriſtians, as 'tis pretended was frequently the Caſe; inſtead of this, I ſay, imaginary Crimes were charged upon them to give Colour for taking away their Eſtates, and putting them to the Sword.

*Joſeph.* Antiq. Lib. XIV p. 488.

THIS Juſtice, however, muſt be done to ſeveral Councils, and to ſeveral Popes, that they made good Ordinances againſt thoſe Acts of Cruelty and Injuſtice, and to reſtrain the popular Rage againſt the Jews. In the Body of the Canon Law there's a Letter from *Gregory the Great* to the Biſhop of *Naples*, in which that Pope exhorts the Prelate to give the Jews Liberty of Conſcience, and to win them by good Uſage. The fourth Council of *Toledo* forbids all Methods of Violence and Compulſion to convert them, tho' in other Reſpects this Council did not ſhew them much Favour. The ſixteenth Council of the ſame Place, exempted the Jews that were Converts, from paying Tribute to the Exchequer. In the eleventh Century, Pope *Alexander* II. forbad the Biſhops of *Spain* to put the Jews to Death on account of their Religion. *Alexander* III. made ſome Laws alſo in their Favour. In 1179, *Clement* III. forbad the compelling of them to be baptis'd, the puniſhing of them without Form of Law, the taking away of their Eſtates, the Violation of their Cœmeteries, and the digging up of their dead Bodies.

*Decret. Diſt.* 45. 3 ann. 602.

Council Diſt. IV Can. 57. ann. 633. Canon I. ann. 693.

*Dupin* T. IX. p. 31.

*Decretal* V. Tit. 6. cap 4, & 9.

THE Popular Rage againſt the Jews broke out again in the thirteenth and following Centuries. In 1290, they were drove out of *England*; in 1295, out of *France*; and from ſome Parts of *Germany* in 1298. However, they came again into *France*; for I find them baniſhed

*Cav. Hiſt. Lit.* p. 185.

*Mezeray Abr. Chron.* T. III.

niſhed out of that Kingdom for the ſeventh Time, about the End of the fourteenth Century. In 1337, they were cruelly treated in ſeveral Towns of *Bavaria*, upon a Charge of having reſolv'd on a Conſpiracy againſt the Chriſtians. There was no Pretence omitted to ruin them, and to ſeize their Eſtates. The Popes, *Innocent* III. and *Clement* V, had granted Bulls to call the Jewiſh Uſurers to Account, and to oblige them to refund to the Chriſtians the Intereſt of the Sums of Money which the latter borrow'd of 'em. Under this Pretence, they were continually dragg'd before the Tribunals; the Bonds they had in their Cuſtody were torn in Pieces; in a word, they were harraſs'd with a thouſand Suits, and a thouſand Oppreſſions. Nevertheleſs, in 1339, I find a Mandate of the Biſhop of *Spires*, forbidding the Magiſtrates to moleſt the Jews for Uſury. There's a Manuſcript at *Leipſic* which ſays, that a vaſt Number of Jews was maſſacred at *Prague*, upon *Eaſter-Day* in 1389. In 1407, they were cruelly maſſacred at *Cracow*, in a popular Tumult, having been accuſed of putting a Chriſtian Infant to Death. This is a Crime with which they were often charg'd, and which they ſometimes confeſs'd, tho' whether it was true, or whether they were forc'd by Torture to betray their Innocence, is a Queſtion. It was altogether as common to accuſe them of ſtealing or buying conſecrated Wafers, and then breaking or cutting them to Pieces, to inſult Jeſus Chriſt. The Annaliſts of *Brandebourg* do all agree in the Story of a conſecrated Wafer, which a Chriſtian, at the Beginning of the ſixteenth Century, ſold to a Jew, who having ſtabb'd it, Blood iſſued from it. If the Crime be no truer than the Miracle, it would have been wrong to put thirty-eight of 'em to Death, who upon this Occaſion were executed at *Berlin*. This General Rage againſt the Jews made *Æneas Sylvius* ſay in his Hiſtory of *Bohemia*, upon Occaſion of a Maſſacre of the Jews at *Prague*, in the fourteenth Century, *that there is nothing more deplorable than the Condition of the Jews among the* Chriſtians. *As ſoon as they are ſuppos'd to be rich, they are not only plunder'd, but their Lives are taken away, on Pretence that they deſpiſe the Chriſtian Religion and make a Mock of Jeſus Chriſt.*

*Dlugoſs Hiſt. Pol.* L. X. p. 187.

*Lintur App. ac Faſc temp. ann.* 1510.

*Zacbar Gartzæus* MS. *in Archivo Reg.* P. 369. *Æn. Sylv. Hiſt. Bohem.* Cap. 34.

IT were really much better not to ſuffer the Jews at all, than to grant them a Toleration that is enſnaring; or to employ them in cultivating the Lands and exerciſing Handicrafts, than to lay Traps for them, by borrowing Money of them upon Bonds carrying Intereſt, and then make that a Handle for ſuing them at Law. That was the Opinion of two celebrated Doctors at that Time, *viz. Henry* of *Heſſe* and *Peter d'Ailli*; the firſt, in his *Council of Peace*; the ſecond, in his Treatiſe *of the Reformation*; who both expreſs themſelves on the Subject, in a Manner ſo like one another, that *Peter d'Ailli* ſeems

*Hassitac ap. Gerſ.* T. II. p. 538.

to have copy'd *Henry* of *Heſſe*. *Why*, ſays *Henry* of *Heſſe*, *are not the converted Jews charitably reliev'd out of their Eſtates, to prevent their turning Apoſtates from pure Neceſſity, and accuſing the Chriſtians of Cruelty? And why are not the Jews forbid to dwell among the Chriſtians, unleſs it be to gain their Livelihood, either by ſerving the Chriſtians, or by tilling the Ground, or by working in Handicrafts, inſtead of practiſing Uſury, to the wounding of their own Conſciences, and the Ruin of the Chriſtians.* But *Peter d'Ailli* expreſſes himſelf upon the Subject with more Frankneſs and Candor, for he is abſolutely for leaving (1) the converted Jews entire Maſters of their Eſtates; whereas *Henry* of *Heſſe* is only for allowing them a Part thereof; and this from a Principle of Charity.

HOWEVER it be, the Regulation of the Reforming College at *Conſtance* is not very extenſive in regard to the Jews. It only ſays, that when a Jew is diſpos'd to be converted, he ſhall be oblig'd to deliver up but one Half of his Real and Perſonal Eſtate, as Reſtitution of the Uſury taken from the Chriſtians; and that he ſhall be allow'd the other Half out of Charity, for the Maintenance of Himſelf and Family. I will here inſert the Decree in Latin, and leave the Reader to make his own Reflections upon the Council's Juriſprudence.

*De Judæis.* *Quia, ut expertum eſt, quamplurimi Judæi utriuſque ſexûs homines, per Uſuram acquiſita reſtituere metuentes, ad Chriſtianiſmum ſuſcipiendum alias ſatis inclinati, ſeorſim abierunt, in ſua perfidia tanquam deſperati remanentes. Ideò hæc Synodus ſacroſancta decernit & ordinat, quòd Judæus ad Fidem Catholicam venire volens, non niſi in quantum medietas ejus ſubſtantiæ, tam in mobilibus quam immobilibus ſe extendit, eis a quibus uſuras, ſi ſuperſint, recepit, alioquin hæredibus ſecundum proportionem Uſurarum receptarum, reſtituere teneatur; reliqua medietate ſibi, & ſuis liberis abſque mendicitate educandis in modum eleemoſynæ, miſericorditer derelicta* (2). *i. e.* Becauſe it has been found by Experience that a great many Jews of both Sexes, well enough inclin'd to embrace Chriſtianity, were it not for fear of reſtoring what they have acquir'd by Uſury,

(1) *Item ut Judæorum converſorum bona non rapiant, ſed ad vitæ neceſſitatem eis poſſidere permittant, ne egeſtate compulſi apoſtatent, & Chriſtianos impietatis arguant.* Alliac. ap Gerſ. T. II. p. 915.

(2) This Article was finiſh'd long before I read the Vth Tome of the excellent Hiſtory of the Jews, by *M. Baſnage*, in which I found a great many Inſtances of the real or pretended Crimes of the Jews, and of the Perſecutions they ſuffer'd upon that Occaſion. And to thoſe Examples many others might be added, which *M. des Vignoles* has collected in his *Hiſtory of the City of Brandebourg*, which is yet in MS. 'Twas this learned Friend gave me the Account of the conſecrated Wafer at *Brandebourg*. There are many other Inſtances of the Maſſacres of the Jews in *Germany*, in the firſt Tome of the Hiſtory of *Mentz*, by *Serrarius*, which was reprinted in 1722, by the Care, and with the Learned Notes of *George Chriſtian John*.

have

have gone aſtray, and remain harden'd as it were in their Perfidiouſneſs. Therefore this Sacred Synod decrees and commands, that every Jew willing to embrace the Catholick Faith, ſhall not be oblig'd to make over above half of his Eſtate, Real or Perſonal, by way of Reſtitution to ſuch as he has receiv'd Intereſt from, if they are living, or elſe to his Heirs, in Proportion to the Uſe he has receiv'd; and that the other Moiety be mercifully left by way of Charity, for himſelf and for the educating of his Children without Beggary.

LXVI. THESE were almoſt all the Regulations of the Reforming College. Perhaps ſome may have eſcap'd me, and ſome others I omitted purpoſely, either becauſe I did not think them of ſufficient Importance, or becauſe I underſtood them not. But I have given enough to enable the Reader to judge of the Intention of the Fathers of the Council, with regard to the Reformation. If the Reformers had not been cramp'd, 'tis not to be doubted but they would have carry'd it much farther than they did. But many of them being both Judges and Parties in this Affair, it is naturally to be imagin'd that the well diſpos'd had their Hands bound up, and that they were fain to treat the Matter with a world of Circumſpection. The Publick however would have had ſome Pleaſure, if in ſo general a Corruption thoſe ſmall Eſſays could have been put in Execution; but we have ſeen in this Hiſtory how few of the Articles of a Project, which was already but too much circumſcrib'd, Pope *Martin* V. thought fit to approve. Concluſion of this Hiſtory.

BUT how great an Idea ſoever we may have of Councils, they who are moſt prepoſſeſs'd in their Favour muſt own, that ſuch is the Fate even of the beſt regulated humane Aſſemblies, that they never do any thing but very imperfectly. If Aſſemblies of this Nature only did what is in their Power, they could not be blam'd; and it would be wrong to demand a Thing of 'em ſo impoſſible as it is to pleaſe all the World. Several preceding Councils had attempted the ſame Project of Reformation, but with leſs Succeſs, and thoſe which follow'd that of *Conſtance* had not much better, as may perhaps be ſhewn one Day or other, with regard to the Council of *Baſil*. It was publickly complain'd at *Trent*, that the Council buſy'd it ſelf only in the redreſſing of trifling Abuſes, inſtead of attending to thoſe that were of the greateſt Importance. This is what the King of *France* did not fail to take Notice of, in a Letter he wrote to that Council. 'Let them 'conſider, ſays he, ſpeaking of thoſe who were for amuſing the 'World with a ſlight Reformation, what was the Service of that 'trifling Reformation which was made in the Council of *Con-* '*ſtance*, and that other, ſomewhat more rigid one, that was made in 'the following Council, which I don't care to name, for fear of of-

'fending

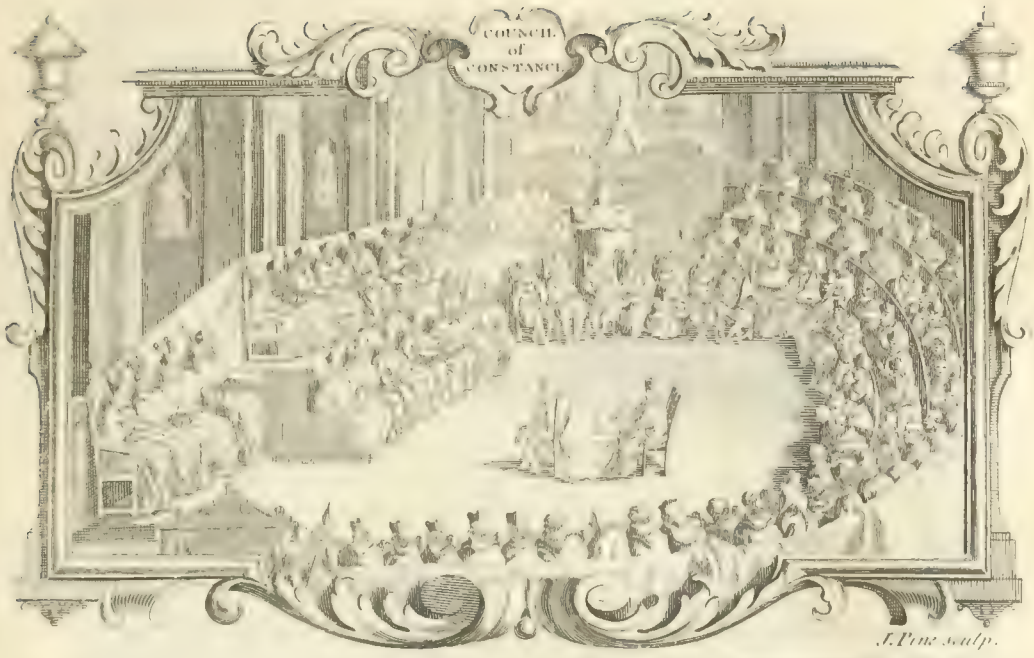
*Dupin Biblioth. des Aut. Eccl. T. IV. p. 284.*

' fending (1). Be it as it will, 'tis uſeful for Poſterity to know the Good and Bad of Human Affairs, in order to profit by it, which is all that I have aim'd at in this Hiſtory, wherein I have not diſguiſed either the one or the other.

(1) The Councils of *Conſtance* and *Baſil*, eſpecially the laſt, were very hateful to thoſe Prelates of *Trent*, who eſpouſed the Intereſt of the Pope. Father *Paul* ſays, that thoſe Councils were ſo deteſted at *Rome*, that it was dangerous ſo much as to mention them; which is what the moſt Chriſtian King's Letter alludes to.

*The END of the Seventh and Laſt Book of the Hiſtory of the* Council *of* CONSTANCE.

A LIST




# A LIST of the MEMBERS of the COUNCIL, AND OF THE Other FOREIGNERS who were then at *Conſtance*.

By *GEBHARD DACHER* (1).

POPE *JOHN* XXIII with 600 Perſons in his Retinue. Neither *Gregory* XII, nor *Benedict* XIII were preſent, but they were repreſented by their Legates, *viz.* *Gregory* XII, by *John*, Patriarch of *Conſtantinople*, and the Cardinal of *Raguſa*, hereafter mention'd in this Liſt; and *Benedict* XIII, by *John*, Biſhop of *Cameraco* in *Arragon*, *John Didacus de Frentſalida*, and four Doctors of Law, with 48 Perſons in their Train.

(1) He is mentioned in the Preface.

PATRI-

## PATRIARCHS (1).

1. *JOHN*, Patriarch of *Conſtantinople*, of the *French* Nation, with 35 Perſons.

2. *JOHN*, Patriarch of *Grado*, *Venice*, *Dameſcus* and *Jeruſalem*, with 20 Perſons.

3. *JOHN*, Patriarch of *Antioch*, of the *French* Nation, with 35 Perſons.

To this Liſt we may add *LEWIS* Duke *de Deux*, Patriarch of *Aquilejah*, who depoſed a Duke and a Biſhop further, with 40 Perſons in their Retinue.

## CARDINALS.

1. *JOHN* (*de BROGNI*) Biſhop of *Oſtia*, Cardinal *de Viviers*, and Vice-Chancellor of the *Roman* Church, with 80 Perſons in his Train. See his Character in this Hiſtory, Vol. I. p. 15.

2. *JORDAN* (*des URSINS*) Cardinal of *Alba*, Grand Penitentiary of the Church of *Rome*, with 40 Perſons. See the Liſt of the Council of *Piſa*, and this Hiſtory, Vol. I. p. 51, 158.

3. *FRANCIS* (*de LANDO*) a Patriarch of *Venice*, Cardinal Prieſt of the Title of St. *Croix*, created by *John* XXIII, and afterwards created Cardinal of St. *Sabina*, by *Martin* V; with a Retinue of 35 Perſons. He was Patriarch of *Grado* in 1408, and was preſent at the Council of *Piſa*. He dy'd at *Rome* in 1427.

4. *ANGELO* (*de ANNA*) *de HAUTE RIVE*, a Monk of *Camaldoli*, commonly call'd *de Lodi*, (not that he was a Biſhop of that City, as he is call'd in the Liſt of the Council of *Piſa*, by a Miſtake, copy'd from *Ciaconius*; but becauſe he was a Native of it) with 40 Perſons. He was made Cardinal Deacon of St. *Lucia*, by *Urban* VI, afterwards Cardinal Prieſt, with the Title of St. *Pudentiana*, by *Boniface* IX; and laſtly, Cardinal Biſhop of *Paleſtrina*, by *John* XXIII. He aſſiſted at the Election of ſix Popes, *viz. Boniface* IX, *Innocent* VII, *Alexander* V, at the Council of *Piſa*; and afterwards of *John* XXIII, *Martin* V; and, as *Ciaconius* ſays, of *Eugenius* IV. He dy'd at *Rome* in 1431, in a very great Age, after having been 40 Years a Cardinal.

5. *LUCIDO* or *LUCIO de COMITIBUS* (*de CONTI*) Cardinal Deacon of St. *Mary* in *Coſmedin*, with a Retinue of 32 Perſons. His Father, who was a Nobleman of *Rome*, was call'd *Ildebrandin*, or *Aldebrandin*. He gave his Vote for *Martin* V, who in gratitude pardon'd *Ildebrandin* and his Sons, who had ſerv'd againſt the Church of *Rome*, probably under *Laudiſlaus*. This Pope being forced to raiſe an Army againſt the *Bologneſe* who had rebell'd, ſent *Lucido* Legate to *Bologna*, who oblig'd that City to return to the Obedience of the Church. He dy'd there in 1437.

6. *AMADEUS*, Marquis *de Saluces*, by Birth an *Italian*; Car-

(1) I go according to my Liſt, which puts the Patriarchs before the Cardinals.

dinal

dinal Deacon of St. *Maria Nova*, one of *Clement* VIIth's Creation; with 42 Perſons. After the Death of this Pope, or Anti-pope, he adher'd to *Benedict* XIII, whom he afterwards abandon'd, and gave his Vote for *Alexander* V. at the Council of *Piſa*. After the Council of *Conſtance*, he follow'd *Martin* V. to *Florence*, where in 1419. he dy'd. See the Hiſtory of the Council of *Piſa*, Tom. I. p. 117.

7. *FRANCIS ZABARELLA*, call'd the Cardinal of *Florence*, who came with 48 Perſons in his Retinue; dy'd at *Conſtance*. He has been ſo often mention'd in this Hiſtory, that 'tis needleſs to ſay more o him.

8. *LEWIS de FLISCO* (*de FIESQUE*) a noble *Genoeſe*, Cardinal with the Title of St. *Adrian*, created by *Urban* VI; with a Train of 40 Perſons. *Urban* VI, according to the Report of *Ciaconius* being beſieg'd in *Nocera* by *Charles de Duras* (1), this Cardinal deliver'd him by means of the Galleys of *James de Fieſque*, Archbiſhop of *Genoa*. After the Death of *Urban* he adher'd to *Boniface* IX, who made him Legate and Governor in *Campagna di Roma*, in the Iſle *de Marctane* (2). *Boniface* IX dying, *Lewis de Fieſque* abandon'd *Innocent* VII. his Succeſſor, and join'd to *Benedict* XIII, who reſtor'd him to his Dignity of Cardinal at *Avignon*, of which *Innocent* had depriv'd him. After this, *Lewis* and his Collegues abandoning *Benedict* XIII, aſſiſted at the Council of *Piſa*, in the Election of *Alexander* V, and afterwards at the Election of *John* XXIII, who made him Legate of *Cologn*, *Romandiola* and *Ferrara*. And to conclude, *Martin* V. ſent him Legate to the Kingdom of *Sicily*. He dy'd at *Rome* in 1423.

9. *ANTONIO* (*PANCERIN*) Cardinal, with the Title of St. *Suſanna*, created by *John* XXIII; with 36 Perſons in his Retinue. He was firſt Biſhop of *Concordia*, and afterwards Patriarch of *Aquileja* in the Reign of *Boniface* IX, but falling out with *Gregory* XII, the latter depriv'd him of his Patriarchate and gave it to *Antonio du Pont*, a noble *Venetian*. *Pancerin* by this Diſgrace was reduced to Beggary, till at laſt *John* XXIII; reſtor'd him to his Honours, and made him a Cardinal. He dy'd in 1431, after having aſſiſted at the Election of *Martin* V, and *Eugene* IV.

10. *PETER* (*STEPHANESQUE*) of *Hanibal*, of a noble Family in *Rome*, Cardinal Deacon of St. *Angelo*, created by *Innocent* VII; with 50 Perſons in his Train. When *Gregory* XII. remov'd from *Rome* to *Savonna* he left this Cardinal his Legate there, with Soveraign Authority, which ſome ſay he abuſed, by delivering up *Rome* to *Ladiſlaus* King of *Naples*; but others pretend he did it in Concert with *Gregory* XII, who choſe to betray *Rome*, rather than

(1) See the Hiſtory of the Council of *Piſa*, T. I. p. 45, 46.

(2) A ſmall Iſland of the *Mediterranean*, toward the Weſt Point of *Sicily*.

to yield the Pontificate to *John* XXIII (1). He was a great Favourite with *Alexander* V, and alſo with *John* XXIII, who conſtituted him his Legate in the Kingdom of *Naples*: And when this Pope went to the Council of *Conſtance*, he eſtabliſhed him his Legate, and Vicar-General at *Rome*, and over all the Eccleſiaſtical State, as appears by this Inſcription, *JOANNES Epiſcopus, Servus ſervorum Dei, &c. Dilecto Filio Petro Diacono Cardinali, &c. in alma Urbe, ejuſdem Comitatu, Territorio, ac Diſtrictu, ejuſque Provinciis Campaniæ, Maritimæ, Sabinæ, Patrimonii B. Petri in Tuſcia Ducatus Spoletani, Marchæ Anconitanæ Præſidatus Farfenſis; nec non Civitatibus, & Terris ſpecialis Commiſſionis Arnulphorum pro nobis, & eadem Eccleſia cum plurima poteſtate Legati de Latere in ſpiritualibus & temporalibus generali Vicario. Datum* Bononiæ *VII. Kal. Decembris Pontificatus noſtri Anno quarto* (2). Nevertheleſs, it appears by this Liſt, that he was at the Council of *Conſtance:* And ſome Authors ſay that he was ſent by the Council to *Vincent Ferrier*, who was then in *Burgundy*, to conſult him on certain Affairs of Importance. Be this as it will, he dy'd at *Rome* in 1417.

11. *JOHN* (a *Portugueſe*) Cardinal of St. *Peter's Bonds*, ſo created by *John* XXIII, at the Sollicitation of the King of *Portugal*, to whom he was Privy Counſellor; with 80 Perſons in his Train. He was Biſhop of *Conimbra*, and afterwards Archbiſhop of *Lisbon*. It only appears from this Liſt that he was at the Council of *Conſtance*; but he was there a very little while, if it be true, as ſome Hiſtorians ſay, he dy'd *January* 23, 1415 (3).

12. *WILLIAM* (*FILLASTRE*) Cardinal Prieſt of St. *Mark*, ſo created by *John* XXIII; with a Retinue of 37 Perſons. He is frequently mention'd in the Hiſtory of the Council of *Piſa* (4), and in this Hiſtory (5). He was ſent a Commiſſioner, together with the Cardinal *des Urſins*, to *John* XXIII. after his Eſcape. Having voted for the Election of *Martin* V, this Pope ſent him with that Cardinal to *France*, to pacify the Commotions in that Kingdom. He dy'd at *Rome* in 1428, *Æt.* 80.

13. *BRANDA* (*de CASTELLIONE*) a noble *Milaneſe*, with the Title of St. *Clement*, created by *John* XXIII; with 40 Perſons in his Retinue. He was call'd the Cardinal of *Placenza*, becauſe he had been Biſhop of that City. Finding himſelf oblig'd to abandon the obſtinate *Gregory* XII, the latter depriv'd him of his Dignity, and gave it to *Bartholomew Caccia*, a *Milaneſe* Dominican. *Branda* is often mention'd in the Hiſtory of the Council of *Piſa* (6). He aſſiſted in the Election of *Mar-*

(1) See the Hiſtory of the Council of *Piſa*, T. II. p. 53.

(2) *Ciacon.* Lives of the Popes, T. II. Ann. 1404. p. 723, 724.

(3) *Ciacon. ub. ſupr.* p. 798.

(4) T. I. p. 142, 144, 153, 156.

(5) T. I. p. 104, 105. T. I. p. 73, 92.

(6) See T. II. p. 12, 56.

*tin* V, at *Conſtance*. A long time after this he was employ'd by *Eugene* IV. to reconcile that Pope and *Philip-Mary* Duke of *Milan*, in which he ſucceeded; but he had worſe Luck in an Affair which he undertook at *Milan*: Being Abbat of the Monaſtery of St. *Ambroſe* in that City, he expell'd the *Ciſtertian* Monks, who had been there ever ſince the Inſtitution of their Order, and put the *Carthuſians* in their Place. His Deſign was to aboliſh the *Ambroſian* Ritual at *Milan*, and to introduce the *Roman*; but the *Milaneſe* being incens'd at this Innovation, had recourſe to the Duke, who commanded the *Carthuſians* to quit the Monaſtery of St. *Ambroſe* with all ſpeed, on Pain of being burnt alive. The Cardinal not at all daunted, having gain'd the Provoſt of St. *Thecla*, who had the *Ambroſian* Service in his Cuſtody, took it into his own Keeping, and caus'd the Service to be perform'd in the *Roman* Manner upon *Chriſtmas*-Day. The *Milaneſe* immediately ran in a Fury to the Cardinal's Palace, with Torches in their Hands, threatening to burn it, and put him to Death, if he did not reſtore the Book; upon which the Cardinal threw it out of the Window with Indignation, and next Day decamp'd. He refus'd to be preſent at the Council of *Baſil*, tho' he had often been invited to it, becauſe he did not think it lawful. He dy'd in 1443, when he was above 90 Years of Age (1). I forgot to obſerve that he was ſent by *Martin* V. to *Bohemia* and *Hungary* againſt the *Huſſites*.

14. *LANDOLPHUS* (*MARAMAUR*) Cardinal *de Bari*; with 38 Perſons. There is nothing to be added here to what has been ſaid of this Cardinal in the Councils of *Piſa* (2) and *Conſtance* (3).

15. *OTHO* (*de COLONNA*) Cardinal Deacon of St. *George au Voile d'or*, ſo created by *Innocent* VII, and created Pope at this Council; had 50 Perſons in his Train. To what has been ſaid of him in the Hiſtories juſt now refer'd to (4), nothing is to be added.

16. *ANTONIO* (*de CHALANT*) Cardinal Deacon of St. *Mary* in *Via lata*, ſo created by *Benedict* XIII, and afterwards made a Cardinal Prieſt by *John* XXIII; with 70 Perſons. See his Hiſtory, and his Character in the Hiſtory of the Council of *Piſa* (5).

17. *LEWIS* (*de BAR*) whom ſome, by Miſtake call *Landolph*: He was by *Benedict* XIII. created Cardinal Deacon of St. *Agatha*, and by *Alexander* V. made Cardinal of the Twelve Apoſtles; he had 45 Perſons in his Retinue. It only appears from this Liſt that he was preſent at the Council of

(1) *Ciacon. ub ſupr.* p 801, 802.
(2) T. I. p. 253, & T. II. p. 7, 8.
(3) T. I. p. 48, 497.
(4) Hiſtory of the Council of *Piſa*, T. II. p. 41, 52. Hiſtory of the Council of *Conſtance*, T. II. p. 153, 154, 155.
(5) T. II. p. 281, 282. and this Hiſtory, Vol. I. Book I. Art. VIII, and Book II. Art. XXIV.

*Conſtance*, as was obſerv'd in this Vol. Book V. Art. 88, where mention is made of his Family and Negotiations, upon the Authority of *Ciaconius*. He dy'd in 1430, at *Verdun*, of which he was Biſhop.

18. *PETER* (*d'AILLI*) Cardinal Prieſt, by the Title of St. *Chryſogonus*, ſo created by *John* XXIII; he had 35 Perſons in his Retinue. To what has been ſaid of him in the Hiſtory of the Council of *Piſa* (1), and in this Hiſtory (2), nothing is to be added here.

19. *ALAMAN* (*ADIMAR*) a noble *Florentine*, who was created Cardinal Prieſt, with the Title of St. *Euſebius*, by *John* XXIII; had 30 Perſons in his Retinue. As to this Prelate, ſee the Hiſtory, of the Council of *Piſa* (3), and this of the Council of *Conſtance* (4).

*SIMON* (*de CRAMAUD*) ſo call'd, becauſe he was born at a Place of that Name, in the *Limouſin*, was Archbiſhop of *Rheims*, and afterwards Cardinal Prieſt of St. *Lawrence* in *Lucina*; he had 44 Perſons in his Retinue. This Prelate is mention'd ſeveral times in the Hiſtory of the Council of *Piſa*, where there is a large Account of him. It appears from this Liſt that he was at the Council of *Conſtance*; and tho' I don't remember that he is once mention'd in the Acts, yet *Ciaconius* ſays he harangu'd in it with Learning and Eloquence on the 27th of *April*; but he does not tell us the Year (5). *George-Joſeph Eggs* ſays, that in this Speech he declaim'd very much againſt the *Huſſites*. He was preſent at the Election of *Martin* V. And from *Conſtance* he return'd to his Biſhoprick of *Poictiers*, where he dy'd in 1429, very much lamented, and in high Reputation for his Piety, but eſpecially his Charity to the Poor.

21. *THOMAS* (*Brancacio*) Nephew of *John* XXIII, and Cardinal Prieſt of St. *John* and St. *Paul*, ſo created by that Pope; had 38 Perſons in his Retinue. *Ciaconius* (6) tells us that he diſhonour'd his Family by his wicked Behaviour. His Character is given in the Hiſtory of the Council of *Piſa* (7).

22. *JOHN DOMINICK*, Cardinal of *Raguſa*, with the Title of St. *Croix*, was Legate at the Council from *Gregory* XII, in Conjunction with three Titular Biſhops; they had 32 Perſons in their Retinue. As to this Cardinal, ſee the Hiſtory of the Council of *Piſa* (8), and this Hiſtory (9).

(1) Tom II. p. 56.
(2) Vol. I. Book I. Art. 34.
(3) Tom. II. p. 55, 56.
(4) Vol. I. Book II. Art. 18. Vol. II. Book V. Art. 88. Book VI. Art. 43.
(5) *George-Joſeph Eggs* mentions the Year 1414, but 'tis a Miſtake; for the Council did not meet till the Month of *November* that Year, *Purpur. Doct.* Lib. III. p. 16.
(6) *Ub. ſup.* p. 803.
(7) Tom. II. p. 58.
(8) Tom. I. p 195, 196.
(9) Vol. I. Book I. Art. 87. Vol. II. Book VI. towards the End.

ARCH-

## ARCHBISHOPS.

1. *JOHN* II. *de NASSAU*, Archbiſhop of *Mentz*. As to this Prelate, ſee the Hiſtory of the Council of *Piſa*, this of the Council of *Conſtance*, and the Hiſtory of *Mentz* by *Serarius*, with the Notes of *George-Chriſtian de Joan*, T. I. p. 70. He had 352 Perſons with him.

2. *OTHO* Count *de ZIEGENHEIM*, Provoſt of the Chapter of *Triers*, was at the Council, with 20 Perſons, to repreſent *WERNER*, Count *de Konigſtein*, Archbiſhop of *Triers*. He was himſelf Archbiſhop of *Triers*, after the Death of *Werner*; and he dy'd in 1439.

3. *JOHN de DIEST*, a Canon of *Cologn*, came with [illegible] Perſons, to repreſent *THIERRI* Count *de Meurs*, Archbiſhop of *Cologn*. As to this Archbiſhop, ſee our Hiſtory of the Council of *Conſtance*, Vol. I. Book IV. Art. 43.

4. *EBREHARD de NUENHAUSEN*, Archbiſhop of *Saltzbourg*, Legate of the Apoſtolical See; with 60 Perſons. He was elected in Competition with *Berthold de Weching*, Biſhop of *Friſingen*. He dy'd in 1427.

5. *PILEO MARINO*, Archbiſhop of *Genoa*: with 12 Perſons. As to this Prelate, ſee the Hiſtory of the Council of *Piſa* (1), and this of *Conſtance* (2).

6. *JOHN de NANTES*, Archbiſhop of *Vienne* in *Dauphiny*; with 14 Perſons. He was afterwards Archbiſhop of *Paris*, and dy'd in 1427.

7. *JOHN*, ſurnam'd *de Prague*, Archbiſhop of *Litomyſſel* in *Moravia*; whoſe Retinue conſiſted of 124 Perſons. He is frequently mention'd in the Hiſtory of the Council of *Conſtance*, where he was *Jacobel*'s Accuſer. As to this Prelate, I will here add a few Particulars taken from the Catalogue of the Biſhops of *Olmutz*, to which *John* of *Prague* was tranſlated from *Litomyſſel*. The Author of this Catalogue (3) tells us that *John* was thwarted in his Election by *Winceſlaus* King of *Bohemia*, who, at the Sollicitation of the *Huſſites*, and of *Conrad* Archbiſhop of *Prague*, cauſed one *Alſo* to be elected, who was a Canon of *Viſgrade*. This Author adds, that *John*'s Election was confirm'd by the Council of *Conſtance*, and that he was even made a Cardinal there, tho' I find nothing of it in the Acts; and that finally in 1426, he was reſtor'd to his See by *Martin* V. He dy'd in 1430. But 'tis a Miſtake in this Liſt to put him down as an Archbiſhop, becauſe it does not appear from Hiſtory that *Litomyſſel* ever was an Archbiſhoprick.

8. *ANTONIO*, Doctor of Phyſick and Archbiſhop of *Raguſa* in *Dalmatia*; with 10 Perſons.

9. *JOHN de WALLENROD*, Archbiſhop of *Riga*; with 180

(1) Tom. I. p. 131, 234, 209.
(2) Vol I Book II. Art. 36, 59.
(3) *Dominus Auguſtinus Olomucenſis & Brunnenſis Eccl. Præpoſ. ac Regius ſupremus Secretarius*, p. 875, 876.

Perſons.

Perſons. As to this Prelate, ſee the Hiſtory of the Council of *Conſtance*, Vol. I. Book I. Art. 44. Vol. II. Book V. Art. 75, 90. Book VI. Art. 71.

10. *ANDREW*, Archbiſhop of *Colocza*, in *Lower Hungary*. See this Hiſtory Vol. I. Book I. Art. 12. Vol. II. Book VI. Art. 41.

11. *FRANCIS de CONZIE*, Archbiſhop of *Narbonne*; with 50 Perſons. As to this Prelate, ſee the Hiſtory of the Council of *Piſa*, Tom. I. p. 352, where, by the way, it ſhould be read *Arles* inſtead of *Aras*. He was not Biſhop of *Avignon*, as is ſaid in the Liſt of the Members of this Council, but Legate of *Avignon* for *Clement* VII. He dy'd in 1432. See alſo this Hiſtory, Vol. I. Book IV. Art. 20, 53.

12. *NICHOLAS*, Archbiſhop of *Cornitz* in *Hungary*; with three Perſons.

13. *FRANCIS de TOMACELLA*, Archbiſhop of *Cuſentin* (1), in the Kingdom of *Naples*; with three Perſons.

14. *PHILIP de BARIL*, Archbiſhop of *Capua*, in the Kingdom of *Naples*; with 20 Perſons. He was made Archbiſhop by *Innocent* VII, in 1406, and dy'd in 1435.

15. *PETER*, Archbiſhop of *Spalatro*, in *Dalmatia*; with ſix Perſons.

16. *THOMAS*: He is here call'd Archbiſhop of *Lucca*, tho' this City is no more than a Biſhoprick. The Reaſon undoubtedly is, becauſe Pope *Alexander* II. granted the Uſe of the Pall, and the Privilege of bearing the Croſs in Proceſſion, Prerogatives that belong'd to the Archbiſhops, as a ſpecial Privilege to the Biſhop of *Lucca*. *Ferdinand Ughel* gives this Account of it, *Cæterum antiqui Pontifices, atque Imperatores Indultis, Privilegiiſque viſi ſunt merito exornaſſe Lucenſem ſedem, in qua tot viri probitate, ſanctitateque præteſtantes, floruerunt. Epiſcopum namque Lucenſem Otho Magnus Imperator titulo Principis Imperii, Comitiſque inſignivit, Lucenſem Eccleſiam Sancti vultus ſacrarium appellans; Alexander verò ſecundus Pontifex Maximus eundem uſu Pallii exornavit olim & ipſe Lucenſis Epiſcopus hactenus inuſitata in Italia dignitate, ſi unam Papienſem Eccleſiam excipimus, utque proceſſurus ex Archiepiſcoporum more Crucem præferret. Hoc tam inſigne Privilegium alii Pontifices ratum eſſe juſſerunt, decreverunt que Antiſtitem Lucenſem uni ſanctæ Sedi ut olim ab ipſius Inſtitutione, immediatè ſubeſſe* (2).

17. *NICHOLAS KIROUSKI*, Archbiſhop of *Gneſna*; with 250 Perſons. As to this Prelate, ſee our Hiſtory, Vol. I. Book II. Art. 36.

18. *THEOBALD de ROUGEMONT*, Archbiſhop of *Beſançon*; with 28 Perſons. He had been Biſhop of *Maçon*, and Archbiſhop of *Vienne*. See our Hiſtory, Vol. I. Book III. Art. 21.

19. *REYNOLD de CHARTRES*, Archbiſhop of *Rheimes*, with 36 Perſons. He is call'd Cardinal of St. *Stephen*, in *Cælio Monte*,

(1) This ſeems to be *Coſenza*, an Archbiſhop's See.

(2) *Ital. Sacr.* Tom. I. p. 840, 841.

*Monte*, in the Tract intituled *France Chretienne*. This was he that in 1429 crown'd *Charles* VII, *the Maid of Orleans* carrying the Standard at the Ceremony. He was Great Chancellor of *France*, as appears from a Letter which the Council of *Basil* wrote to him in 1432. He was nominated in 1435, with the Duke of *Bourbon*, the Count *de Vendome*, and ſeveral other Lords, Spiritual and Temporal, for the Treaty of *Arras*. In 1439, he was made a Cardinal by *Eugene* IV, at the Council of *Florence*. He dy'd in 1444. See this Hiſtory, Vol. I. Book II. Art. 1, 7.

20. TO theſe Archbiſhops, we muſt add *JAMES GELU*, Archbiſhop of *Tours*, whom I don't find in the Liſt, no doubt becauſe he was not arriv'd at *Conſtance* when it was made. He had been Biſhop of *Grenoble*, and was Archbiſhop of *Ambrun*, in 142[illegible]. in the Reign of *Martin* V, who employ'd him in the Pacification of the Troubles of *Sicily* and *Arragon*. He was aſſiduous in viſiting his Dioceſe, and in Preaching; and dy'd in 1432.

## BISHOPS.

THERE were 32 Titular Biſhops, who had each two Perſons attending them. The others were as follow.

1. *FREDERIC de GRAFENEC*, Biſhop of *Augsbourg*, who had 18 Perſons in his Train. We have this Account of him in the Eccleſiaſtical State of *Germany*. ‘ *Anſelm de Nenningen*, Grand Cuſtos of *Augsbourg*, having been ‘ elected by ſome Members of the ‘ Chapter, and *Frederick de Grafenec* being choſe by the Intereſt ‘ of the Emperor *Sigiſmond*, they ‘ were at Law for the Biſhoprick ‘ above nine Years. They both ‘ cauſed themſelves to be conſecrated, and each poſſeſs'd a Part ‘ of the Dioceſe. But at length, ‘ in the Year 1421, both were obliged to reſign, and *Anſelm* retir'd to the Abbey of *Blawbourn*, in the Dioceſe of *Conſtance*, where, in the Year 1428, ‘ he dy'd. *Frederic* (1) *de Grafenec* was made Biſhop of *Brandebourg* in 1421. This Fact is not certain, as appears from the following Memoir which was communicated to me by my Learned Friend *M. des Vignoles*, who has made a very exact Inquiry into every Thing that relates to the City and Epiſcopal See of *Brandebourg*.

‘ *CHARLES Stengelius*, in ‘ his Hiſtory of *Augsbourg* (2), ‘ ſays that *Frederic de Grafenec* ‘ Abbat of the Monaſtery of *Saperdin* in *Hungary*, being elected ‘ Biſhop of *Augsbourg*, in Oppoſition to *Anſelm de Nenningen*, in the ‘ Year 1411, there was a Law Suit ‘ between theſe two Biſhops for 9 ‘ Years, till at length the Holy ‘ Father *Martin* V. gave Command that both ſhould reſign. ‘ After this, *Frederic* return'd to

(1) Tom. I. p. 124.

(2) *Stengel. Rerum Auguſt. Vindel.* Cap. 52. p. 231. publiſh'd at *Ingoldſtat*, 1627. Quarto.

‘ his

'his Abbey in *Hungary*. But he 'adds, ſome will have it that he 'was tranſlated to the Church of '*Brandebourg*.

'*GASPAR Bruſchius* ſays al-'moſt the very ſame Thing (1), 'and concludes thus: *Frederick* re-'turned to his Abbey in *Panno-'nia*, tho' there are thoſe who af-'firm that he was *ordained* Bi-'ſhop of *Brandebourg*; but I don't 'find him in the Liſt of the *Bran-'debourg* Biſhops.

'NEVERTHELESS, *Andrew 'Angelus*, who wrote near forty 'Years after *Bruſchius*, places 'this *Frederick* in the Catalogue 'of the Biſhops of *Brandebourg*. In the Year 1420, he gives this Account of him (2), *John* IV, Bi-'ſhop of *Brandebourg*, of the Fa-'mily of *Waldow*, dying at this 'Time (3), *Juſtus* reports that '*Frederick de Grafenec*, heretofore 'an Abbat in *Hungary*, and elect-'ed Biſhop of *Augsbourg* by ſome 'of the Chapter, was (4) choſe, 'and admitted in his Place. But 'he did not preſide long, as may 'be ſeen in our Marquiſate.

'AT preſent I have not this 'laſt Book by me, which *Angelus* 'wrote five Years before the o-'ther (5). But in the Archives 'of the Chapter of *Brandebourg*, 'I have not been able to find a 'Tittle concerning this Biſhop: 'And if he was *ordained*, as 'tis 'ſaid, or if he took the Title there-'of, he was never own'd for ſuch. 'I prove this by the Numbers, and 'by the Succeſſion of the Biſhops 'of the XVth Century: XXXIV '*Henning de Bredow*, in 1407; 'XXXV *John de Waldow* in 1415; 'XXXVI *Stephen de Bodeker*, in '1422; XXXVII *Theodorick Ste-'chow*, in 1459; XXXVIII *Arnold 'Borgſtorp*, in 1472.

'1. *HENNING de Bredow*, 'who according to the Eccleſiaſti-'cal Hiſtory of *Germany* ( ), was 'the XXVIth Biſhop of *Brande-'bourg*, and *dy'd about the Year* '1407, was choſe that very Year '(7), and was the XXXIVth Bi-'ſhop of that See, according to 'my Catalogue, purſuant to two 'Inſcriptions which are ſtill to be 'ſeen in the Cathedral of *Brande-'bourg*. They are both in the 'Arches, between the ſecond and 'third Pillars, as we go in: That 'on the right Hand is worded 'thus, *Anno Domini* M.CCCC.XIII '*in die* (8) *Kyliani & ſociorum 'martyrum conſecratum eſt hoc al-'tare in honore Corporis Chriſti per 'Reverendum in Chriſto Patrem 'Dominum Dominum Henningum de 'Bredow, hujus Eccleſiæ* XXXIIII '*Epiſcopum. i. e.* In the Year of our 'Lord 1413, upon the Anniver-'ſary of *Kyle*, and his Brother 'Martyrs, this Altar was conſe-'crated in Honour of the Body

(1) *Bruſch. de Epiſcopat Germ.* T. I fol. 146. b. publiſh'd in 1549. in 8vo.

(2) *Angel. Annal. Marchiæ*, 1598, Fol. p. 2. 6.

(3) *Wolffgang Johſt.*

(4) *Angenommen und gekommen.*

(5) *Anno* 1593.

(6) Publiſh'd in 1724, T. II p. 293.

(7) *Chron. Madgeb. ap. Meibom.* T. II. p. 352.

(8) *July* 9.

' of Chriſt, by the Reverend Fa-
' ther in Chriſt, the Lord *Henning*
' *de Bredow*, the 33th Biſhop of
' this Church. *The other Inſcription*
' *is on the left Hand over-againſt it.*
' *Anno Domini* M.CCCC.XIII. *in*
' *die Kiliani & Martyrum ſocio-*
' *rum, Conſecratum eſt hoc Altare in*
' *honore Sancti Eraſmi Epiſcopi &*
' *Martyris per Reverendum in Chri-*
' *ſto Patrem & Dominum Domi-*
' *num Henningum de Bredow hu-*
' *jus Eccleſiæ* XXXIIII. *Epiſco-*
' *pum. i. e.* In the Year of our
' Lord 1413, on the Anniverſary
' of *Kyle*, and his Fellow-Martyrs,
' this Altar was conſecrated in
' Honour of St. *Eraſmus* Biſhop
' and Martyr, by the Reverend
' Father in Chriſt the Lord *Hen-*
' *ning de Bredow*, the XXXIVth
' Biſhop of this See.

' 2. THIS ſame Year 1412,
' *Henning de Bredow* (1) dy'd, and
' was ſucceeded by *John* IV. of
' *Waldow*, who is omitted in the
' *Eccleſiaſtical Hiſtory of Germany*.
' I reckon him for the 35th Bi-
' ſhop. We have ſeveral Teſtimo-
' nials of it, and in the Year 1421
' he was made Biſhop of *Lebus*.

' 3. *STEPHEN Bodeker*, Son
' of a Cooper at *Stendal*, and the
' moſt learned Biſhop of the See
' of *Brandebourg*, was choſe in the
' Year 1423, on *Thurſday* the 30th
' of *April*. He enjoy'd that See
' 36 Years, nine Months, fifteen
' Days, and dy'd *Anno* 1459, on
' *Thurſday* the 15th of *February*,
' as we read under his Picture in
' the South Chappel of the Cathe-
' dral Church of *Brandebourg*.
' Judge then whether he dy'd in
' 1421, as the Eccleſiaſtical Hi-
' ſtory of *Germany* ſays (2). As
' we enter the Church on the left
' Hand, over-againſt the fifth Pil-
' lar, which is the neareſt to the
' Choir, his Sepulchral Statue was
' placed at my Sollicitation, which
' has theſe Words round it.

' *Anno Domini* M.CCCC.LIX.
' XV *Februarii obiit Reverendus in*
' *Chriſto Pater & Dominus Stepha-*
' *nus* XXXVI *Epiſcopus Brande-*
' *burgenſis, cujus anima in pace qui-*
' *eſcat, Amen. i. e.* In the Year
' of our Lord 1459, on the 15th
' Day of *February*, *Stephen* the
' XXXVIth Biſhop of *Brande-*
' *bourg*, departed this Life. May
' his Soul reſt in Peace, *Amen.*

' 4. *STEPHEN Bodeker* was
' ſucceeded in 1459, by *Theodoric*
' *Stechow*, who was the XXXVIIth
' Biſhop, as appears from this
' Inſcription, which was formerly
' communicated to me by the late
' *M. Beemann*, as it was to be read in
' the Church of the Caſtle of *Zieſar*,
' the ordinary Reſidence of the
' Biſhops of *Brandebourg*: *Anno*
' *Domini* M.CCCC.LXX. *Reve-*
' *rendus in Chriſto Pater ac Domi-*
' *nus Dominus Theodoricus* XXXVII
' *Brandeburgenſis Eccleſiæ Epiſco-*
' *pus Baſilicam hanc primitus pie fun-*
' *dando conſtruxit in honorem Sanc-*
' *torum hic ſculptorum devote conſe-*
' *cravit. Orate pro eo.*

*i. e.* ' In the Year of our Lord
' 1470, the Reverend Father in
' Chriſt the Lord *Theodoric*, the
' XXXVIIth

(1) *Angel.* p. 191.

(2) P. 294.

'XXXVIIth Biſhop of the Church 'of *Brandebourg*, after having 'firſt piouſly founded this Church, 'built and devoutly conſecrated it 'to the Honour of the Saints that 'are here carv'd. Pray for him.

'5. IN the Year 1472, *Arnold de Borgſtorp* was the XXXVIIIth 'Biſhop. In the Cathedral Church 'upon the third Pillar on the 'Right Hand, we read theſe 'Words in the middle of a long 'Epitaph, in Verſe, *Obiit Anno* M.CCCC.LXXXV. *feria tertia poſt Viti.* And at the Foot of the Pillar, on the Grave-ſtone.

'*Anno Domini* M.DCCCC.LXX-- '*Reverendus in Chriſto Pater & Dominus Dominus Arnoldus Borgh-ſtorp* XXXVIII *Brandeburgenſis Eccleſiæ Epiſcopus, cujus anima requieſcat in pace.*

'FROM all this, and from the 'Silence of the Archives, I in-'fer that *Frederick de Grafeneck* 'was not Biſhop of *Brandebourg*, 'whatever the *Eccleſiaſtical Hiſtory of Germany* (1), and the other 'Authors abovemention'd, ſay to 'the contrary.

2. *OTHO*, Count *de Hochberg*, Biſhop of *Conſtance*, had 24 Perſons in his Retinue. He reſign'd in 1433, after having held his See 23 Years.

3. *ROBERT*, Biſhop of St. *Malo* in *Bretagne*, was attended with 16 Perſons. I don't find the Biſhops of St. *Malo* in the Treatiſe intituled *France Chretienne*, unleſs they are under another Name than *Maclovium*.

4. *AMADEUS*, Biſhop of St. *John de Maurienne* and *Lauzanne*; with ſixteen Perſons. In the Eccleſiaſtical State of *Germany*, I find one *William de Chalant* Biſhop of *Lauzanne*, from 1406 to 1430. In the ſame Book there's an *Amadeus* of *Savoy*, Biſhop of St. *John de Maurienne*, who in 1354 made an Exchange for the Biſhoprick of *Lauzanne*.

5. *VITAL*, a *Franciſcan*, Biſhop of *Toulon* in *Provence*; with eight Perſons. See this Hiſtory, Vol. I. Book II. Art. 59, 81. Book IV. Art. 20, 48. Vol. II. Book V. Art. 62.

6. *JAMES*, Biſhop of *Treviſa* or *Trevigni*, in the State of *Venice*; with ten Perſons. He was elected in 1409, by *Alexander* V, and dy'd in 1418.

7. *JOHN de SCHONDELEF*, Doctor of Divinity, was nominated to the Biſhoprick of *Sleſwick*, by Pope *Gregory* XI, but met with great Oppoſition. He dy'd in 1421 (2).

8. *PETER*, Biſhop of *Rypen*, in *Denmark*; with 106 Perſons.

9. *JOHN*, *Epiſcopus Audinenſis*; with ſix Perſons. 'Tis, perhaps, Biſhop of *Udine*; but I find no Biſhop of this City, in the *Italia Sacra*; or it may be *Atino*, tho' the *Italia Sacra* takes Notice of the Biſhops of *Atino*, that were ſuppreſs'd in the twelfth Century.

10. *BARTHOLOMEW CACCIA*, Biſhop of *Piacenza*; with 40 Perſons. He was choſe by *Gregory* XII, in 1408, in the room

(2) P. 294.

(2) Eccleſiaſtical State of *Germany*, T. II. p. 362, 363.

2 of

of *Branda Caſtellione* whom that Pope turn'd out of his Biſhoprick. See the Liſt of the Cardinals.

11. Frier *JOHN*, Biſhop of *Nola*; with five Perſons. I don't find him in the *Italia Sacra*. Indeed I diſcover one *Mark* there, who was choſe in 1407, and dy'd in 1447.

12. *THOMAS Epiſcopus Litienſis*, in the Kingdom of *Naples*; with ten Perſons. The Liſt muſt be wrong in this Place, there being no ſuch Biſhoprick in the *Italia Sacra*.

13. *PETER FABRI*, Biſhop of *Riez* in *Provence*; with 12 Perſons. The Book, intituled *La France Chretienne* puts down *William Fabri* from 1400 to 1425; and *Peter Fabri* from 1350 to 1362.

14. *FRANCIS*, Marquis *de Caretto*, Biſhop of *Albe* in the *Montferrat*. I meet with two of this Name in the *Italia Sacra*, one in 1401, the other in 1413. I alſo meet there with one *James*, Biſhop of *Albe* in 1418. But, as the Author very well obſerves, in this Time of the Schiſm there were often two Biſhops in the ſame See.

15. *PRINCEVALLES de SIGISMUNDIS*, Biſhop of *Acqui*, in the *Montferrat*; with 20 Perſons. He was choſe in 1411, by *John* XXIII.

16. *NICHOLAS*, Biſhop in *Denmark*; with ten Perſons.

17. *ULRIC* or *Udalric*, Biſhop of *Brixen* in *Tirol*; with 80 Perſons. He was a Native of *Vienna*, and Chancellor of the Arch-Duke *Leopold* II. He dy'd in 1417.

18. *ALBERT de STAUFFENBERG*, Biſhop of *Ratisbon*; with 40 Perſons. He dy'd in 1421.

19. *FREDERICK*, Biſhop of *Bath*, *Robert*, Biſhop of *Salisbury*, *John*, Biſhop of *Cheſter*. Theſe three Biſhops of *England* had 400 Perſons in their Train. *Robert Alam* is often mentioned in this Hiſtory.

20. *ROBERT du FOUR*, Biſhop of *Siſteron* in *Provence*, with eight Perſons.

21. *NICOLAUS Epiſcopus Widlienſis*; with 13 Perſons. I know not what See this means.

22. *JOHN de LIGNIERS*, Biſhop of *Viviers*, in the *Vivarets*; with thirty Perſons. He was Nephew to *Boucicaut*, Marſhal of *France*. He was elected in 1407, and dy'd in 1443.

23. *JOHN*, *Epiſcopus Vitrionenſis*, in the Kingdom of *France*; with ten Perſons. I know not what it means.

24. *HENRY SCARAMPO*, Biſhop of *Feltri* in the State of *Venice*, with nine Perſons. He had been Treaſurer to *Boniface* IX, and Secretary to the Emperor *Sigiſmond*. He was tranſlated in 1404 from the See of *Acqs* to that of *Feltri*. He dy'd in 1440. *Ughel* relates Wonders of his Piety, in the *Italia Sacra*. He ſays that his Body was preſerv'd, even in his Time (1), without Putrefaction; that it was viſited by great Numbers of pious People; and that it wrought a great many Miracles;

(1) The Vth Tome of *Italia Sacra*, was printed at *Rome*, in 1653.

but, as ill Luck would have it, the Author is deſtitute of the Proofs of thoſe Miracles, as he ſays himſelf, *Eodem anno rerum geſtarum gloria, & ſanctimonia vitæ vir longè clariſſimus, ex hac mortali vita diſceſſit die 29 Septembris ſepultus in Icltrenſi Cathedrali, cujus corpus omninò hucuſque incorruptum perſeverat, atri quidem coloris, ſed palpabile, & frequenti piorum hominum luſtratione, & cultu venerabile, ubi ejus meritis frequentia viſuntur miracula, ejus ſanctimoniam teſtantia: cujus Acta deſiderantur* (1).

25. *JOHN*, Biſhop of St. *Pons de Tomieres*, in *Languedoc*; with 12 Perſons. I ſuſpect an Error here, becauſe we ſhall hereafter meet with a Biſhop of St. *Pons* by the Name of *Geoffrey*. Probably it ſhould be St. *Papoul*, of which *John de Rochetaillarde*, who was at the Council of *Conſtance*, was at that Time Biſhop (2).

26. *SIMON*, Biſhop of *Traw*, in *Dalmatia*; with ſix Perſons.

27. *GEORGE*, Count *de Hohenloe*, Biſhop of *Paſſaw*; with 100 Perſons. In the Eccleſiaſtical State of *Germany* there is this Account of him, 'Rupert Count *de Berg*, 'afterwards Biſhop of *Paderborn* 'was his Competitor, but *Urban* 'VI, confirm'd *George*. He was 'afterwards Chancellor of the Em-'pire. He was preſent at the 'Council of *Conſtance*; and was 'Archbiſhop of *Gran*, or *Strigo-'nia*, and Primate of *Hungary*.' He dy'd in 1422 (3).

28. *DONADIEU*, Biſhop of *Narni* in *Umbria*, elected in 1414, dy'd in 1418.

29. *JOHN* IV. of *BASNITZ*, Biſhop of *Lebus*, in the middle Marquiſate of *Brandebourg*; with ten Perſons.

30. *DIDACUS*, Biſhop of *Zamora* in *Spain*.

31. *JAMES*, another Biſhop of *Spain*. They had between them 64 Perſons.

32. *ALBERT*, a Benedictin, Biſhop of *Aſt* in the *Milaneſe*; with 12 Perſons. He was elected in 1409, in the Reign of *Alexander* V. The Duke of *Milan* caus'd him to be impriſoned a whole Year, becauſe he demanded back the Church Lands which he had uſurp'd. This oblig'd the Council of *Conſtance* to excommunicate the Duke, and to lay the City of *Milan* under an Interdict. But the Biſhop being ſet at Liberty, went to *Conſtance*, got the Interdict taken off, and inſtead of ſhewing any Reſentment for the Duke's injurious Treatment of him, he loaded his Chamberlain with Favours. He dy'd in 1439 (4).

33. *BENEDICT de MONTFREDIS, Epiſcopus Gluſinus*, in *Italy*; with 20 Perſons. This muſt be *Cluſinus*, that is to ſay, Biſhop of *Chiuzi*. 'Tis true that in the *Italia Sacra*, inſtead of *Benedict*, which no doubt is a Miſtake in the Liſt, I find that *Blaiſe Herman* was elected Biſhop of *Chiuzi*

(1) *Ferd. Ughell. Italia Sacra*, T. V. p. 349.

(2) *Gallia Chriſtiana*, Tom. II.

(3) Eccleſiaſtical Hiſtory of *Germany*, T. II. p. 53, 54.

(4) *Ital. Sacr.* T. IV. p. 560

in

in 1410, and dy'd of an Apoplexy in 1418, as appears by a Letter from the Clergy of *Chiusi*, to the Republick of *Sienna*. *Ughel* ſpeaks of him as of a Prelate of great Merit.

34. *JAMES*, Biſhop of *Ploczko*, in *Mazovia*, Envoy of *Poland*; with 22 Perſons. See *Dlugoſs*, L. XI. p. 358.

35. *JAMES*, Biſhop of *Adria*, in the State of *Venice*; with eight Perſons. *Alexander* V. turn'd him out of his Biſhoprick, and gave it to one *Maynardin*, who did not hold it long; and 'tis probable that *James* was reſtor'd to his See by the Council of *Conſtance*. He dy'd in 1444.

36. *JOHN*, Biſhop of *Bayonne*, in the Kingdom of *Apulia*; with eight Perſons. Here muſt be a Fault in the Liſt, for there is no *Bayonne* in the Kingdom of *Apulia*. As to *Bayonne* in *France*, there were at that Time two Competitors for that Biſhoprick, *viz.* *William Arnold Bordan*, Envoy to the Council from the King of *Navarre*, and *Peter de Mareloco*, intruded by *Benedict* XIII, as appears from *La France Chretienne* (1). Perhaps 'tis *Bayonne*, alias *Orenſe* in *Galicia*, where there is a Biſhoprick Suffragan to *Compoſtella*.

37. *LEWIS*, Biſhop of *Bangor*, in *Wales*.

38. *ASTORGA*, Biſhop of *Ravelles* in the Kingdom of *Naples*; with ten Perſons. I find three other Biſhops of *Ravelles*, from 1400 to 1418, *viz.* *Nicholas de Donnelle*, elected in 1409, by *Gregory* XII, and depriv'd in 1413, by *John* XXIII, who put *Martin de Groniano* in his Place; and the third is *Benedict de Pradoxis*. *Aſtorga* was made a Cardinal by *Martin* V. in 1418 (2).

39. *RABANUS*, Biſhop of *Spire*; with 80 Perſons. In the Eccleſiaſtical State of *Germany* there is this Account of him, 'Rabanus of *Helmſtad*, was Pro-'voſt of *Wiſſerad* in *Bohemia*, 'Canon of *Augsbourg*, and Chan-'cellor to the Emperor *Wenceſlaus*. 'In 1431, he obtain'd the Arch-'biſhoprick of *Triers*, from Pope 'Eugene IV. He reſign'd all his 'Benefices in the Year 1439, and 'dy'd not long after (3).

40. *FRANCIS PETER de RAGAZZIIS*, Biſhop of *Arrezzo*, in *Tuſcany*; with 12 Perſons. This Prelate never reſided at his See, being always taken up with the Affairs of *Joan* of *Naples*. He was ſo ſecret in his Journeys, that he paſs'd twice for a dead Man (4). He actually dy'd in 1433.

41. *RAOUL de COUCI*, Biſhop of *Mets*; with 60 Perſons. In 1388, he ſucceeded *Peter de Luxemburg*, who dy'd in 1387. *Raoul* was related to the Houſe of *Lorrain*, by the Marriage of his Brother *Enguerrand* to *Mary*, the Duke of *Lorrain*'s eldeſt Daughter. When he was at the Council of *Conſtance*, he receiv'd the Inveſtiture of the Biſhoprick of *Noyon*

(1) Tom. II. p. 1.
(2) *Ital. Sacr.* T. I. p. 102, 103.
(3) Eccleſiaſtical Hiſtory of *Germany*, T. I. p. 45.
(4) T. I. 476, 477.

from

from *John* XXIII, and dy'd in 1424 (1).

42. *HENRY de VILLE SURTRON*, Biſhop of *Toul* in *Lorrain*; with 30 Perſons. He dy'd in 142[illegible].

43. *NICHOLAS, Epiſcopus Wiſlienſis Napulii*; with ſix Perſons. I know not what Biſhoprick it was.

44. *HARTMANN*, Count *de Werdenberg*, Biſhop of *Coire*, elected in 1404, dy'd in 1416. He had 40 Perſons in his Retinue. He was ſucceeded by *John de Wallenrod*, Archbiſhop of *Riga*, who dy'd in 1419, after having obtain'd the Biſhoprick of *Liege* from *Martin* V. They who wou'd know more of him may conſult this Hiſtory (2).

45. *SIMON*, Biſhop of *Piſtoja*, in the *Florentine*; with ten Perſons. I don't find him in the *Italia Sacra*, but I find there one *Matthew Domini Lazari de Diamantibus*, who was elected in 1400, and was preſent at the Council of *Conſtance*.

46. *FRANCIS*, Biſhop of *Todi*, in the Land of the Church; with 12 Perſons.

47. *NICHOLAS, Epiſcopus Aſthmas in Tuſſia*; with 52 Perſons. I know not what See this is. Perhaps 'tis *Maſſa*, an Epiſcopal City in *Tuſcany*. Indeed in the *Italia Sacra*, I find one *Nicholas Berut*, choſe Biſhop of *Maſſa* in 1394. But 'tis there ſaid that this Biſhop was made Archbiſhop of *Oriſtagni* in *Sardinia*, in 1404; and that *Bartholomew*, Archbiſhop of *Sienna*, made an Exchange with *Nicholas*. Perhaps one is confounded with the other in the *Italia Sacra*.

48. *PETER*, Biſhop of *Tarentum*; with eight Perſons.

49. *PAUL, Epiſcopus Serenenſis*, in *Provence*; with two Perſons. I know not what this Biſhoprick is, except it be *Senez*, an Epiſcopal City in *Provence*. But I don't find any Biſhops of *Senez* by the Name of *Paul*, in *La France Chretienne*. I find indeed one *John de Seillons*, from 1409, to 1432.

50. *CONRADE, Epiſcopus Ebronenſis*; with ten Perſons. This ſtands perhaps for *Ebroicenſis, d'Evreux*, but I don't find *Conrade* there in *la France Chretienne*.

51. *ANTHONY du PONT*, a noble *Venetian*, Biſhop of *Concordia* in the State of *Venice*, elected in 1402. We are inform'd by the *Italia Sacra*, that he made a Voyage to the Holy Land; and that at his Return *Gregory* XII. created him Patriarch of *Aquileja*; but *John* XXIII. taking it from him, he return'd to his Church of *Concordia*. When he was at the Council of *Conſtance*, *Martin* V. made him Archbiſhop of *Otranto*, in the Kingdom of *Naples*. He had ſix Perſons with him.

52. *ANSELM de NENNINGEN*, Biſhop of *Augsbourg*; with 40 Perſons. See *Frederick de Grafeneck*.

53. *ANTHONY*,

(1) Hiſtory of the Biſhops of *Mets*, by *Meuriſſe*, of the Order of St. *Francis*, Biſhop *de Madore* at *Mets*, 1623.

(2) Vol. I. Book IV. Art. 39.

53. *ANTHONY de PERUSA*, Biſhop of *Peruſa*; with ten Perſons. He dy'd in 1434.

54. *STEPHEN ALIOT du PRAT*, Biſhop of *Volterra* in *Tuſcany*, was elected in 1411, and dy'd 1435.

55. *JOHN BURLA*, Biſhop of *Mitlen*, in *Savoy*; with ten Perſons.

56. *FLAMINUS, Epiſcopus Nolaus* in *Naples*; with eight Perſons. Perhaps it ſhou'd be *Nolanus*, from *Nola*. There are two Cities of this Name, one in the Kingdom of *Naples*, the other call'd *Nauli*, in the State of *Genoa*.

57. *JAMES Epiſcopus Eſurus*, in the Marquiſate of *Ancona*; with ſix Perſons. 'Tis probably *Gæſi*, *Æſis* or *Æſium*, in the Latin. In the *Italia Sacra*, I find one *James* Biſhop of this Place (elected by *Innocent* VII, in 1405) who was at the Council of *Conſtance*.

58. *PHILIP* of *Sicily*, Biſhop of *Bel-Caſtro*, in the Kingdom of *Naples*; with 12 Perſons.

59. *NICHOLAS Epiſcopus Terentinus* in *Hungary*; with three Perſons. This, perhaps, is a Biſhoprick in the County of *Trinſchen*.

60. *MANFRED Epiſcopus Artzericenſis*, in *Capuleo*; with ten Perſons. I know not what See this is.

61. *RUDOLPHUS*, *Epiſcopus Metenenſis* in *Greece*; with eight Perſons. This, perhaps, is the ſame as *Milatenſis*, from *Malta*.

62. *ANDREW*, *Epiſcopus Caſtelli Civitatis in Caſſa Scotorum*; with three Perſons. I know not what it ſtands for.

63. *GEORGE* Baron *de LIECHTENSTEIN*, Biſhop of *Trent*, choſe, according to the Eccleſiaſtical State of *Germany*, in 1390; but the Author of that Work ſeems to be under a Miſtake, where he ſays, that this Prelate was poiſon'd in 1410, becauſe in 1415, he pleaded his own Cauſe againſt the Duke of *Auſtria* at the Council of *Conſtance*. See the XXth Seſſion of this Council, Vol. I. Book IV. Art. 38. He had 21 Perſons with him.

64. *JOHN BERTRANDI*, Biſhop of *Geneva*; with 26 Perſons. He was at the Council of *Conſtance* in 1417. He became Archbiſhop of *Tarantaiſe* in *Savoy*, the ſame Year; and dy'd in the Year 1433 (1).

65. *JAMES*, Biſhop of *Dol* in *Bretagne*; with 16 Perſons. I don't find any Biſhops of *Dol*, in *la France Chretienne*.

66. *JOHN de BRUN*, Biſhop of *Wirtzbourg*; with 200 Perſons. In the Eccleſiaſtical State of *Germany*, we have this Account of him, ‘ *John de Brun*, born in *Alſace*, was oblig'd to make War ‘ upon his Rebellious Subjects, and ‘ to beſiege his Epiſcopal City. ‘ He was likewiſe Abbat of *Fulda*. ‘ He had ſucceſſively for Coadjutors, two Counts of *Wertheim*, ‘ whom he ſurviv'd; and he reſign'd the Biſhoprick of *Wirtzbourg*, in the Year 1440, to *Si-*

(1) Eccleſiaſtical Hiſtory of *Germany*, T. II. p. 238, 239.

*ſigiſmond*

‘ *giſmond* of *Saxony*; ſoon after ‘ which he dy'd (1).

67. *JOHN Epiſcopus Nebofinus*, in *Arragon*; with three Perſons. I know not what Place this means.

68. *ALBERT*, Count *de Wertheim*, Biſhop of *Bamberg*; with 210 Perſons. He dy'd in 1421.

69. *OGER de CONSLETTO*, Biſhop of *Aoſta* in *Piedmont*; with ten Perſons. He was choſe in 1411, by *John* XXIII, and was promoted in 1433, to the See of *Maurienne* in *Savoy*. He dy'd in 1440.

70. *ANTHONY Turchon*, Biſhop of *Como*, in the Province of *Aquileja*. He was elected in 1409, was depriv'd of his Benefice by *John Mary*, Duke of *Milan*, but declar'd lawful Biſhop of *Como*, by the Council of *Conſtance*. Nevertheleſs, the Duke of *Milan* not regarding the Council's Determination, *Anthony* was oblig'd to retire to *Venice*, where he abdicated in 1420, and dy'd not long after. He had eight Perſons with him.

71. *JOHN de LIDBERKKEN*, Biſhop of *Cambray*; with 36 Perſons. I don't find his Name in *La France Chretienne*; but *Peter d'Ailli* is ſet down among the Archbiſhops of *Cambray*. And perhaps this *John* had the Adminiſtration of that See after *Peter* was made a Cardinal.

72. *ANDREW*, Biſhop of *Poſen*; with 32 Perſons. See *Dlugoſs* (2).

73. *HENRY Epiſcopus Adrinicanus*, in the Dioceſe of *Mentz*; with four Perſons. Perhaps 'tis a falſe Reading for the Biſhop of *Aichſtad*.

74. *ENGELMAR*, Biſhop of *Kiemſee*, in the Dioceſe of *Saltzbourg*; with ten Perſons. He dy'd in 1430.

75. *IMBERT de NOVO CASTRO*, Biſhop of *Baſil*; with 12 Perſons. I don't find him in the Eccleſiaſtical State of *Germany*.

76. *ANTHONY*, *Epiſcopus Bencotinus*, *Napuliæ*; with eight Perſons. I know not what Place it means.

77. *JOHN de FLECKENSTEIN*, Biſhop of *Wormes*; with 20 Perſons. He dy'd in 1426.

78. *JOHN de DULMENE*, Biſhop of *Lubeck*; with 38 Perſons. He was elected in 1406, and dy'd in 1418.

79. *NICHOLAS BUBWITH*, Biſhop of *Wilton* in *England*; with 500 Perſons. Perhaps it ſhould be 50. He was at the Council of *Piſa*.

80. *BARTHOLOMEW*, Biſhop of *Peſaro*, in the Dutchy of *Urbino*; with 12 Perſons. He was elected in 1409, and dy'd in 1419.

81. *GAPP*, Biſhop in *Gap*, with 14 Perſons. According to *la France Chretienne*, from 1409 to 1424, there were two Biſhops of *Gapp*, one call'd *Alexis de Siregnio*, who was made Biſhop of *Piacenza* in 1411; the other call'd *Leodegaire*, Lord of *Ayrargue*, Privy Counſellor to *Violante*, Queen of *Sicily*, and Dutcheſs of *Anjou*.

(1) Eccleſiaſtical Hiſtory of *Germany*, T. I. p. 59, 60.

(2) *Ub. ſupr.*

82. *BERT-*

82. *BERTRAND de Cadoene*, Biſhop of St. *Fleur*; with 12 Perſons.

83. *JOHN*, Biſhop in *Alexandria*; with ten Perſons. If it be *Alexandria de la Paglia*, in the *Milaneſe*, I find in the *Italia Sacra*, that *Michael Mantegaza*, a *Milaneſe*, an Hermit of the Order of St. *Auſtin*, was Biſhop thereof from 1414, to 1432; that he was at the Council of *Conſtance*, on the Part of the Duke of *Milan*; and that he was nominated with other Biſhops to degrade *John Hus* (1).

84. *HERMAN*, Biſhop of *Nicopolis*, in *Wallachia*; with ten Perſons.

85. *BARTHOLOMEW*, Biſhop of *Cumæ* in *Campagna di Roma*. This Biſhoprick is not now in being. He had ten Perſons with him. See the *Italia Sacra* (2).

86. *MAURINUS STANASURTS*, Biſhop of *Caſchgeno*, in the Kingdom of *Naples*; with 12 Perſons. I know not what Place this is.

87. *GEOFFREY de PERUSA*, a Cabinet-Counſellor to *Charles* VII, and Biſhop of *Xaintes*; with 22 Perſons. He was elected in 1411. It appears by the Regiſters of the Accompts of *Paris*, that he was ſtill living in 1422 (3).

88. *JOHN*, Biſhop of *Wladiſlaw*, in *Poland*; with 25 Perſons.

89. *GEOFFREY*, Biſhop of St. *Pons de Thomieres*, in *Languedoc*; with 15 Perſons. In this Liſt he is call'd Ambaſſador in Ordinary from the King and Clergy of *France*. One Biſhop of St. *Pons de Thomieres* has been already mention'd in this Liſt; but, as has been obſerv'd, it may be a Miſtake. 'Tis certain there muſt be a Fault either here or in *La France Chretienne*, where after *Geoffrey (Gaufridus) de Pompadour*, in 1408, we find *John de Rochechouar* in 1410, and *Vitalis de Moleon* in 1418, to the Year 1430.

90. *GERALDUS de PODIO*, *Epiſcopus Tarconenſis*, in *France*. Perhaps this is the Biſhop of *Tournay*; but I find no Biſhop of this Name, at that Time, in *la France Chretienne*.

91. *WILLIAM de Cantiers*, Biſhop of *Evreux*; with 200 Perſons. He was likewiſe at the Council of *Piſa*.

92. *JAMES ARIGON*, Biſhop of *Lodi*; with ſix Perſons. He was choſe in 1407, and was at the Council of *Piſa* in 1409 (4). He appear'd with ſo much Splendor at the Council of *Conſtance*, that according to the Report of *Ughel*, he was eſteem'd there as an Oracle (5). He was afterwards Biſhop of *Trieſte* in the State of *Venice*, and then of *Urbino*.

SOME of the *Engliſh* Biſhops who were at the Council, are wanting in this Liſt, as appears from the Publick Records of *England*, in the *Fœdera*, where we find

(1) *Ughell Ital. Sac.* Tom. IV. p. 457, 458.
(2) Tom. VI. p. 270.
(3) *Gall Chriſt.* Tom. III.
(4) See the Hiſtory of the Council of *Piſa*, Tom. I. p. 356.
(5) *Ital. Sacr.* Tom. IV. p. 928.

*Henry* Biſhop of *Wincheſter*, who is often mention'd in this Hiſtory; *Richard*, or *Robert* Biſhop of *London*, who was alſo at the Council of *Piſa*; *John Catricke*, Biſhop of *Litchfield* and *Coventry* (ſee this Hiſtory, Vol. II. Book V. Art. 64.) *John Wakering*, Biſhop of *Norwich*, who was elected in 1416, and dy'd in 1425.

## ABBATS.

THERE are in the Liſt 124 Abbats, of whom I ſhall only mention thoſe of moſt Note.

*FREDERICK*, Count *de ZOLLERN*, Abbat of *Reichenaw* in *Swabia*, near *Conſtance*. He had been depos'd by the Pope, but was reſtor'd to his Abbey by *Sigiſmond*, in Recompenſe of his Hoſpitality when that Emperor went thither with *Barba* his Conſort, and other Ladies of Quality, to divert himſelf after his Fatigues at the Council of *Conſtance*. He had with him — Perſons. This Abbey of *Benedictins* was founded in the eighth Century, by *Charles Martel*.

*HENRY* Baron *de GUNDELFINGEN*, Abbat of St. *Gall* in *Swiſſerland*; with 16 Perſons. He was choſe in 1411, and reſign'd his Abbey at the Council of *Conſtance* in 1417. He was a very good natur'd Prelate, and fitter for a retir'd Life than for that continual State of War which rag'd betwixt the Abbey of St. *Gall*, and that of *Ceil*. *Gaſpard Bruſche*, from whom we have this Circumſtance, ſays, that this Abbat lent ſeveral Books of very great Value to the Council of *Conſtance*, which he never ſaw again (1).

*PETER*, Abbat of St. *Melan* in *England*; with eight Perſons.

*CHRISTIAN*, Abbat of St. *Mary* in *Hungary*; with ſeven Perſons.

*GALIATZ PIPALIS*, of St. *Sylveſtre* in *Bohemia*; with ſeven Perſons.

*FRANCIS de PANSACLINIS*, Abbat of St. *Stephen*'s in the Dioceſe of *Bologna*; with ſeven Perſons.

*JOCIN*, Abbat of St. *Mary*'s, in the State of *Genoa*; with two Perſons.

*JOHN de MERLO*, Abbat of *Fulda*; with 38 or 40 Perſons. The Erection of this Abbey is aſcrib'd to the Piety of St. *Boniface*, Archbiſhop of *Mentz*, and to the Liberality of *Carloman*, in the eighth Century. It was burnt down in the Time of *John de Merlo*, who cauſed it to be rebuilt, and inrich'd it with a great many Ornaments. He dy'd in 1440.

*JOHN de GOMIN*, Abbat of St. *Alban*, in the Dioceſe of *Mentz*; with 20 Perſons. There muſt be ſome Miſtake in this Liſt, or in the Chronicle of St. *Alban*'s Monaſtery by *George Helvicus*, in whoſe Chronology I do not meet with *John de Gomin*. Indeed I find *Herman* there, who was the laſt Abbat of St. *Alban*'s; for in

(1) *Bruſch. Monaſter. German.*

1418 or 1419 this Abbey of *Benedictines* was ſecularis'd. The ſame Author ſays, that *Herman* was at the Council of *Conſtance*, with 20 Perſons (1).

*HUGH de CASTRO NOVO*, Abbat of St. *Anthony de Viennois*; with 40 Perſons. This was at firſt but an Hoſpital, but afterwards a principal Abbey, of the Order of St. *Auguſtin*. *La France Chretienne* does not ſay that *Hugh* was at the Council of *Conſtance*, but that indeed he ſent two Friers thither in the Name of the Order. We find in the ſame Treatiſe, that in 1415, when *Sigiſmond* was in *France*, he went to viſit the Relicks of St. *Anthony*. *Hugh* dy'd in 1417, and was ſucceeded by *Faucon de Montchenu*. *Martin* V, at his Return from the Council of *Conſtance*, went to viſit St. *Anthony*, with ſeveral Cardinals and Prelates (2).

*JOHN*, Abbat of *Kemnitz*, in *Misnia*; with ſix Perſons.

THERE were at the Council above 15 Abbats of the Dioceſe of *Conſtance*. I will only mention ſuch of them as I could arrive at any Knowledge of, *viz.*

*ECHARD*, Abbat of St. *Ulrich* at *Creutzlingen*, to whom *John* XXIII. gave the Mitre, as he paſs'd that way to *Conſtance* (3). He had Thirty Perſons with him.

*JOHN ESSENDORP*, Abbat of *Weingarten*. This Abbey of *Benedictins* was founded in 800, in the Reign of *Charlemain*.

*JOHN FREY*, Abbat of *Petershauſen*, where a Chapter of *Benedictins* aſſembled during the Council (4). This Abbey of *Benedictins* was founded by *Gebhard*, Biſhop of *Conſtance*, in the tenth Century. *Martin* V. beſtow'd the Mitre on this Abbat.

FIVE *Engliſh* Abbats; with 220 Perſons.

*EBERHARD de SCHAUMBERG*, Abbat of *Bantz*, in the Dioceſe of *Wirtzbourg*; with four Perſons. This Abbat is call'd *Noble Hero*, by *Gaſpard Bruſch*, but there muſt be a Miſtake in his Account, becauſe if *Eberhard* dy'd in 1404, as he ſays, he wou'd not have been at the Council in 1414. This Monaſtery of *Benedictins* was founded in the eleventh Century, by *Alberade*, Counteſs of *Bantz*.

*JOHN*, Abbat *de Villiers* near *Mets*, of the *Ciſtertian* Order; with ten Perſons.

*JOHN de Bretagne*, Abbat of *Morimond*, in the Duchy of *Bar*, in the Dioceſe of *Langres*; with ten Perſons. 'Tis ſaid in *La France Chretienne*, that this was the firſt Abbat that obtain'd the Mitre and Ring.

*FRANCIS*, Abbat of *Chatellers* of the *Ciſtertian* Order, in the Dio-

(1) See *Rer. Moguntin.* Tom. II. p. 713.

(2) *Gall. Chriſt.* Tom. III. p. 58. b.

(3) See this Hiſtory, Vol. I. Book I. Art. 15.

(4) See this Hiſtory, Vol. II. Book V. Art. 12.

ceſe of *Poictiers*; with eight Perſons.

*ALBERT de OTESHEIM*, Abbat of *Mulbrunn*, of the *Ciſtertian* Order, of the Dioceſe of *Spire*, in the Duchy of *Wirtemberg*; with ſix Perſons. This Abbey was founded in the twelfth Century, by *Gontier*, Count *de Lyningen*, Biſhop of *Spire*.

*JOHN*, Abbat of *Brumbach*, in *Franconia*, in the Dioceſe of *Wirtzbourg*; with ten Perſons.

*GUERMIG*, Abbat of a Monaſtery in *Swabia*, which in Latin is call'd *Augia Minor*, in High Dutch *die Minderow*, of the Order of *Premonſtrants*, founded in the tenth Century. This Abbat is call'd by *Bruſchius GERUNGUS Churwaldenſis*. He was elected in 1396, and held the See 20 Years. He had eight Perſons with him.

*JOHN de CASTELLO*, Abbat of St. *Loup de Troyes*, in *Champagne*; with eight Perſons. His Name is not mention'd in *la France Chretienne*.

*PETER AALLANT*, Abbat of *Villeloin*, in *Touraine*. He was choſe at the Council of *Conſtance*, where he obtain'd a Diſpenſation from paying the Subſidy which *Charles* VI. had impos'd upon the King of *France*. This Abbey of *Benedictins* was founded in 850, by *Charles the Bald*. He had three Perſons to attend him.

*ANDREW*, Abbat of St. *Vincent* at *Breſlaw*; with five Perſons. This Abbey of *Benedictins* was founded about the middle of the twelfth Century, by *Peter* the *Dane*. 'Tis reported that this *Peter* being cited to *Rome* for his Crimes, and condemn'd to build this Church, erected no leſs than 77 Churches. The Abbey of St. *Vincent* afterwards chang'd its Black Monks to White ones, and paſs'd into the Order of *Premonſtrants* (1).

*THOMAS*, Abbat of St. *Trinity*, in *Hungary*; with ſix Perſons. I am told by a learned *Hungarian* (2), that this Abbey lies near *Atams*, towards the Town of *Gyongyos*.

*JOHN de MARTINIAC*, Abbat of the *Ciſtertians*, in *Burgundy*. In 1416. he was at the Council in the Name of the whole Order, with five Perſons. The Abbey of *Ciſtertians* was founded about the Cloſe of the eleventh Century, by St. *Robert*, Abbat of *Moleſme*, and endow'd by *Otho* I, Duke of *Burgundy*.

*ROBERT de CHAUDESSOLE*, Abbat of *Cluny*, in *Burgundy*, Proctor for his Order at the Council of *Conſtance*; with ten Perſons. This Abbey of *Benedictins* was founded in 910, by the Abbat *Bernon*, and by the Favour of *William* I, Count *d'Auvergne*, and Duke of *Guienne*.

THERE are many other Abbats and Abbeys in this Liſt, which are not to be found in *La France Chretienne*. The following are ſome Abbats of *Germany*, who, according to the Report of *Gaſpard*

(1) *Mart. Hank. de Silſ. Reb* p. 304.

(2) *Paulo Cyongyoshi*, D. D. a Prieſt of the Church of *England*, and Paſtor of the *Calviniſt* Church of *Caſchaw* in *Hungary*.

*Bruſche*, were at the Council of *Conſtance*, tho' they are not down in this Liſt.

*WILLIAM du LAC*, Abbat of *Anhuſen*, in *Swabia*. This Abbey was founded in 958; and this Abbat dy'd in 1443.

*FREDERICK de LOUBENBERG*, Abbat of *Kempten*, in *Swabia*. This Abbey of *Benedictins* was founded in 777, by the Queen *Hildegarde*, Wife to *Charlemain*. This Abbat was at the Council of *Baſil*, and dy'd in 1434.

*SIGEFRID*, Abbat of *Elwangen*, in the Dioceſe of *Langres*. This Abbey of *Benedictins* was founded about the Cloſe of the eighth Century. The Abbat was elected in 1401, and govern'd 26 Years.

*ARNOLD*, Abbat of *Heilsbron*, of the *Ciſtertian* Order, in the Dioceſe of *Bamberg*. This Abbey was founded in the twelfth Century. This Abbat dy'd in 1428.

*NICHOLAS HEIDENRICH*, Abbat of *Langenheim*, in the Dioceſe of *Bamberg*, dy'd in 1428. This Abbey was founded in the twelfth Century.

*HENRY MEERSTETER*, Abbat of *Martal*, a Monaſtery of the Order of *Premonſtrants*, in *Swabia*.

*CONRAD* II, Abbat of the Monaſtery of *Waldſaſſen*, in *Bavaria* which was founded in the twelfth Century.

NEXT to the Abbats follow 14 Auditors of the *Rota*, all Doctors; with 120 Perſons; then the Pope's Secretaries, to the Number of 18, with about 80 Perſons; the Writers of the Apoſtolical Bulls, to the Number of 142, with each three Perſons; the Writers of the Penitentiary, to the Number of 47, with one Perſon each; 670 Scriveners of *France*, *England*, *Italy*, *Bohemia*, and other Places, ſome alone, others with one Man each; 273 Attorneys, of the Pope and Cardinals, with one Man each; 12 Vergers; 1500 Brokers, *Curtiſani quos reperi in domibus*. M. D. 1800 meer Prieſts, 73 Bankers of *France* only, 24 Porters or Door-keepers; *Tutores Oſtii aulæ*. About 250 Doctors of ſeveral Countries, ſome with more, others with fewer Attendants; about 125 Provoſts and other Prelates of divers Kingdoms, Countries, Cities, Communities, *&c.* ſome with more, others with fewer Attendants.

## TEMPORAL PRINCES.

1. *SIGISMOND*, King of the *Romans* and of *Hungary*, Son to the Emperor *Charles* IV, and Brother to *Wenceſlaus* King of *Bohemia*, of the Houſe of *Luxembourg*; with his Conſort *Barba*, Countels *de Cillei*, and other Ladies of great Quality. They had no leſs than 1000 Perſons in their Retinue.

2. *RODOLPH II*, Elector of *Saxony*, Great Marſhal of the Empire; with 180 Perſons.

3. *LEWIS*, Duke of *Bavaria*, Count Palatine of the *Rhine*, Elector Palatine, Great Cup-bearer of the Empire; with *Otho* his Brother. They had together 400 Perſons in their Retinue. Fre-

quent-

quent Mention has been made of this Elector, in this Hiſtory.

4. *LEWIS*, Duke of *Bavaria* of *Ingolſtat*, Count *de Mortin*, Brother in Law to *Charles* VI, King of *France*; with 500 Perſons. He is likewiſe often mention'd in this Hiſtory. He was a very turbulent Prince, had continual Wars with his Couſin-Germans, and even with his own Son, *Lewis* the Hump-back'd, which oblig'd the Emperor *Frederick* III. to proſcribe him: After having been four Years in Exile, his Son *Lewis* took him Priſoner. *Lewis* dying 1445, the Marquis *Albert* III. Duke of *Bavaria* ſold the Father for 3200 Florins, to *Henry de Landſhut*, Duke of *Bavaria*. He dy'd at length in Priſon, in the Year 1447 (1).

5. *HENRY de LANDSHUT*, Duke of *Bavaria*, ſurnam'd the Rich; with 200 Perſons (2).

6. *WILLIAM*, Duke of *Bavaria*; with 160 Perſons. This Prince is highly extoll'd in Hiſtory for his great Virtues. He was Protector of the Council of *Baſil*, for the Emperor *Sigiſmond* (3).

7. *LEWIS*, Duke of *Lignitz* and *Brieg* in *Sileſia*; with 125 Perſons (4).

8. *FREDERICK*, Duke of *Auſtria*; with 500 Perſons.

9. *HENRY RUMPOLT*, Duke *de Sagan*, Lord of *Groſſen*, of *Glekaw* in *Sileſia*; with 35 Perſons. This Duke and his Brothers gave *Sigiſmond* Aſſiſtance againſt the *Huſſites*.

10. *ALBERT*, Duke of *Mecklenburg*; with 20 Perſons.

11. *KARIBUT*, Duke of *White Ruſſia*; with 20 Perſons.

12. *WASLA*, Duke of *Wolgaſt*; with 26 Perſons.

13. *ULRIC de DECK*, Duke; with 24 Perſons.

14. *REINARD* in *URSLINGEN*; with ten Perſons.

15. *JOHN*, Duke of *Stettin*; with 44 Perſons.

16. *PETER*, Duke of *Lindow*; with 25 Perſons.

17. *JOHN CROPIDLO*, Duke *d'Opelen* (*Opolium*) in *Sileſia*, Biſhop of *Uladiſlaw* in *Poland*; with 22 Perſons. This Biſhop met with a great many Diſappointments. He was firſt Biſhop of *Poſen*, by the Recommendation of *Lewis*, King of *Hungary* and of *Poland*, whom Pope *Urban* VI, was willing to retain in his Obedience. The Archbiſhop dying in 1389, *Boniface* IX. eſtabliſh'd *Cropidlo* in this Archbiſhoprick, contrary to the Mind of the Chapter, and without the Conſent of *Ladiſlaus* then King of *Poland*, who being incens'd at this Contempt put upon him, caus'd *Cropidlo* to be arreſted, took away all his Eſtate from him, and then baniſh'd him. After he had ſuffer'd ſome Years Exile, the King permitted him to return to his Biſhoprick of *Uladiſlaw*. This

(1) *Dan. Parei's Hiſt. Bavar. Palat.* p. 91.

(2) See this Hiſtory, Vol. II. Book V. Art. 8. Book VI. Art. 17.

(3) *Dan. Par. ub. ſupr.* p. 97, 98.

(4) See this Hiſtory, Vol. II. Book V. Art. 32. Book VI. Art. 67.

Prelate

Prelate had won the Heart of *Alexander Withold*, Great Duke of *Lithuania*, by his Jests. They say that one Day as *Ladislaus* was regaling *Sigismond*, after the Conversation was brighten'd by the Circulation of the Wine, *Cropidlo* said before all the Company at Table, *If God had empower'd me to plant Kings, I would not plant* Ladislaus's *and* Sigismonds, *but I would plant a great many* Witholds. He met with an unlucky Adventure in 1411. The Dukes of *Opelen*, his Brothers, having made a Seizure of some Merchandise which belong'd to the Citizens of *Breslaw*, the latter took a sweet Revenge by confining *Cropidlo* a Prisoner in the Town-House, for a whole Year. He was at *Constance* all the Time of the Council, and dy'd in 1421 (*a*).

18. *CHARLES*, Duke of *Lorrain*, *Anthony* his Son, and *Frederick* his Brother; with 98 Persons.

19. *PHILIP* and *Michael de Troppi*, of *Greece*; with 21 Persons.

THERE were five Markgraves and Burgraves; with 680 Persons in their Retinue.

EIGHTY three Counts, some with more, others fewer Attendants.

A prodigious number of Gentlemen, Knights and Esquires, call'd in the *German* Tongue *Freyn Ritter, Knechte*.

FOREIGNERS. (*Extranei*)

45 Goldsmiths, including their Journeymen.

330 Shopkeepers, including their Men.

242 Bankers, with their Footmen.

72 Shoe-makers.

48 Furriers.

44 Apothecaries.

92 Smiths.

75 Confectioners, (*Pistores Bastillarum.*)

250 Bakers belonging to the Pope, the Cardinals, and other Lords.

83 Vintners of the Wine of *Italy*.

43 Victuallers for the poorer Sort.

48 Money-changers of *Florence*.

228 Taylors.

65. Heralds at Arms, or publick Cryers.

346 Jugglers or Merry-Andrews (*Histriones, Pusunatores, & eorum similes.*)

306 Barbers.

700 Common Women, whose Habitations were known to *Dacher*, the Author of the List; the *Vienna* List reckons up 1500 of 'em.

I have some Remarks to make as to this List. I. I have set down the Doctors, Counts and Gentlemen in the Gross, because they were not sufficiently known to be treated of in the same Method as the abovemention'd. II. This List only contains those who were at

(*a*) *Mart. Hank. de Silef. Indigen. Erud.* Cap. XXII.

the Council the two firſt Years. III. 'Tis extremely faulty, but has been corrected with the utmoſt Care, according to *La France Chretienne*, *Italia & Anglia Sacra*, the *Eccleſiaſtical Hiſtory of Germany*, the Hiſtory of the Univerſity of *Paris*, and other Works; ſome Paſſages of which Works, the Liſt may likewiſe be of Uſe to correct. IV. *M. Von der Hardt* (*a*) ſays, that in the *German* Tongue he has other Liſts of the illuſtrious Members of the Council, drawn up by *Munſter*, *Dacher*, *Reichental*, *&c.* V. The following is a Memorial, taken from the MSS. of *Vienna*, which I publiſh in Latin, for the Sake of ſuch as are curious to ſee Things of this Nature.

*Perbrevis deſcriptio hoſpitum in Concilio Conſtantienſi fatorum, & annonæ.*

*Ex antiquiſſimo Codice M S C. Vindobonenſi Elſtrawiano.*

***De numero perſonarum Concilii, valore rerum venalium, & de acquiſitione multimoda pecuniarum.***

*In præſenti Concilio fuerunt Milites plus XXIIIC quorum nomina non poſſunt conſcribi. i. e.* 2300 Knights.

*Item ibidem computati ſunt XVIIIM Prælatorum Sacerdotum & Presbyterorum. i. e.* 18000 Prelates, Prieſts and Presbyters.

*Item ibidem fuerunt LXXXM Laicorum qui fuerunt advenæ. i. e.* There were 80000 Laymen, who were Strangers.

*Item XVC Meretrices vagabundæ. i. e.* 1500 Vagabond-Whores.

*Item conſcripti erant XXXVIM lecti pro advenientibus. i. e.* 36000 Beds for New-comers.

*Item unus lepus ſolvit unam libram hall, & poſtea emptus fuit pro uno plaffer, & circa*

*Item pabulum ſemper fuit in bono foro, ita, quod non valuit ultra* 24 *ſol. ſed communiter ſolvit* 20 *&* 21. *i. e.* Proviſion always bore a good Market Price.

*Item dicebatur quod pluſquam VC homines de nocte ſint ſubmerſi in lacu. i. e.* Above 600 Men were drown'd by Night in the Lake.

*Item una Gallina ſolvit V ſolidos hall.*

*Item Aſperiolus VI plaffer. Item una Columba* 2 *plaffer.*

*Item* 3 *Roſæ pro uno ſol. Item duo pueri lucrati ſunt* 22 *libras hall. de fœno quod levaverunt de terra quando portantibus dictum fœnum cecidit.*

*Item juvenis ſcrofa lactans, octo plapph.*

*Item dicitur quod una meretrix lucrata eſt VIIIC Florenos. i e.* One Whore gain'd 800 Florins.

*Item* 1 *lilium album pro ſolido.*

*Item duo pueri lucrati ſunt L florenos cum fœno quod levaverunt de terra, & hoc proteſtatum eſt in hoſpitio apud crucem æneam.*

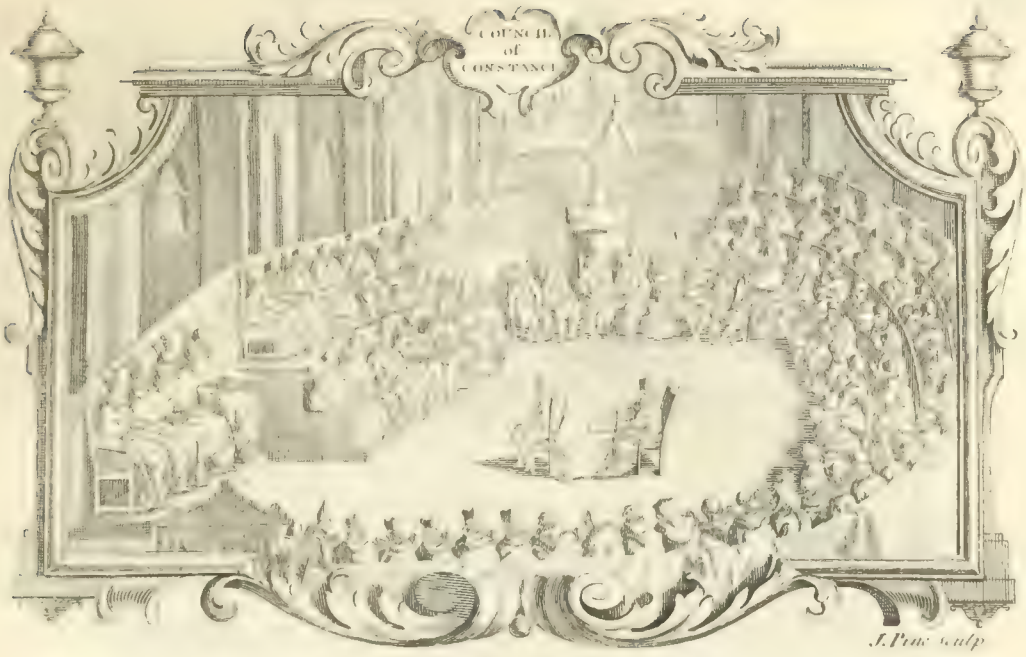
*Item ſinguli pueri lucrati ſunt IIIIC libras de fœno, quod cum raſtris collegerunt.*

(*a*) Tom. V. p 52.

*Item*

*Item quidam Civis Conſtantienſis vendidit uxorem ſuam Cancellariis Regis pro VC Ducatis, pro quibus pecuniis emit domum, i. e.* A Citizen of *Conſtance* ſold his Wife for 500 Ducats, to the Officers of the King of the *Romans* Chancery, and bought a Houſe with the Money.

*Thus ends the* LIST *of the* MEMBERS *of the* COUNCIL.




# JOURNAL of the COUNCIL of *CONSTANCE.*

DRAWN UP

By *D. VON DER HARDT.*

And tranſlated with Additions in ſome Places, and Abbreviations in others, by the Author of this Hiſtory.



THE Emperor *Sigiſmond* and Pope *John* XXIII, having agreed at *Lodi*, in *November*, 1413, to aſſemble a Council at *Conſtance* on the firſt of *November*, 1414, the Cardinal *de Viviers* arriv'd there on the 12th of *Auguſt*, in order to prepare all Matters for the Reception of the Pope, who ſet out himſelf for that City on the ſixth of *October* following.

## M.CCCCXIV. OCTOBER.

11, 12, 13, *JOHN Hus* ſets out for *Conſtance.*

15. *JOHN* XXIII. makes a Treaty with *Frederick* of *Auſtria*, at *Meran*, in his Way to *Conſtance.*

16, 17, 18. *SIGISMOND* ſends a Safe-Conduct from *Spire* to *John Hus*.

——22. *JOHN Hus* arrives at *Nuremberg*, where he receives his Safe-Conduct.

23, 24, 25, 26, THE Pope is thrown off of his Equipage, as he is paſſing the Mountain of *Arleberg*, and thinks it a bad Omen.

27. THE Pope gives the Mitre to the Abbat *de Creutzlingen*.

28. THE Pope enters *Conſtance* with nine Cardinals, and appoints the firſt of *November* for opening the Council.

31. THE Pope and the City of *Conſtance* makes Preſents to each other. He celebrates Maſs. He eſtabliſhes the Auditors of the *Rota*.

## M.CCCCXIV. NOVEMBER.

1. THE Opening of the Council is deferr'd three Days.

2. SIX of *John* XXIIId's Cardinals come to Town. Twelve Auditors of the *Rota* are appointed to try Cauſes.

3. THE Opening of the Council is again deferr'd. *John Hus* arrives at *Conſtance*.

4. THE Pope aſſembles a Conſiſtory, in which the Arrival of *John Hus* is notify'd.

5. THE Council is open'd.

7, 8. THE Emperor is crown'd at *Aix la Chapelle*.

9. THE ſaid Coronation is notify'd to the Pope.

10. MORE of *John* XXIII's Cardinals arrive. A General Congregation. A Proceſſion. The Pope forbids the Members of the Council to retire without his Leave.

11, 12. THE Divines aſſemble to conſider of the Affairs to be treated of in the Council, to regulate the Order of the Seſſions, and to fix the Officers.

13, 14, 15. A General Congregation upon the ſame Subject.

16. THE FIRST PUBLICK SESSION.

17. THE Arrival of the Cardinal of *Cambray*.

18, 19. *GREGORY* XII. puts up his Arms, and *John* XXIII. takes them down.

20. A General Congregation upon that Subject.

21, 22, 23, 24. AN Aſſembly of the Deputies to conſider of the Order to be obſerv'd in the City.

25, 26, 27. THE Arrival of the Count *de Cillei*, the Emperor's Father-in-law; and of the Ambaſſadors of *Albert* Duke of *Auſtria*.

28. ASSEMBLY of the Cardinals concerning *John Hus*, who is arreſted.

29, 30. ADVICE is come of the Arrival of the Emperor.

## M.CCCCXIV. DECEMBER.

1. A General Congregation upon the Affair of *John Hus.*

—— 7. THE Arrival of the Ambaſſadors from *England.* Aſſembly of the Prelates concerning the Union and Reformation of the Church.

10. THE Cardinal of *Cambray* preſſes the Reſignation of the three Competitors. The Emperor writes to the Pope for the Enlargement of *John Hus.*

11, 12, 13. THERE arrive more of *John* XXIII's Cardinals.

—— 17. THE Second Seſſion put off, by reaſon of the Emperor's Abſence.

18, 19, 20, 21. THE Arrival of Ambaſſadors from *France.*

—— 21. *CHLUM* cauſes Papers to be fixed up, complaining of the Detainer of *John Hus* in Priſon.

25. THE Emperor's Arrival at *Conſtance.*

—— 28. THE Cardinal of *Cambray* makes a Diſcourſe concerning the Office of the Emperor, the Pope, and other Members of the Council, in the Affair of the Union and the Reformation of the Church.

29. A General Congregation in the Emperor's Preſence.

30. *RODER*'s Speech concerning the Union and the Reformation of the Church.

## M.CCCCXV. JANUARY.

1. AN Aſſembly of the Deputies to obtain Leave of the Emperor to take Examinations againſt *John Hus.*

2, 3. *JOHN Hus* is remov'd to the *Dominicans* Priſon.

4. A General Congregation concerning the Manner of receiving the Legates from *Gregory* XII, and *Benedict* XIII.

5. THE Arrival of *Frederick*, Burgrave of *Nuremberg.*

6. AN Aſſembly of the Commiſſioners of the Pope, the Emperor, the Prelates, and of the Magiſtracy of *Conſtance*, for the Regulations of the Police.

7. THE Arrival of the Grand Maſter of the *Teutonick* Order.

8, 9, 10. THE Arrival of the Legates of *Benedict* XIII, and the Archbiſhop of *Gneſna.*

11. THE Biſhop of *Poſen* harangues the Emperor.

12. A General Congregation about *Benedict*'s Legates. The Arrival of the Biſhop of *Paſſau* and the Archbiſhop of *Kiow.*

13. A General Congregation upon the Arrival of the Ambaſſadors from the King of *Arragon.*

14. THE Biſhop of *Poſen* exhorts *John* XXIII. to reſign.

15, 16, 17, 18. THE Arrival of *Lewis* of *Bavaria* of *Ingoldſtat*, the Elector Palatine, ſeveral Biſhops of the Obedience of *Gregory* XII, ſome Biſhops of *Lithuania*, and of *Henry* of *Bavaria* of *Landſhut*.

19 —— 24. THE Arrival of the Elector of *Mentz*, of the Cardinal *de Raguſa*, of *Frederick* of *Auſtria*, and ſome other Princes.

25. THE Aſſembly of the Nations concerning the Reſignation of *Gregory* XII.

28, 29, 30, 31. The Arrival of *Paul Voladimir*, Ambaſſador from *Poland*, and of ſeveral *Engliſh* Prelates.

## M.CCCCXV. FEBRUARY.

1, 2. THE Canoniſation of St. *Bridget*.

4, 5, 6. THE Arrival of Legates from *Benedict*, and of ſeveral Grandees from *Spain*, and of the Ambaſſadors from *Hungary*.

7. AN Aſſembly of the Nations, wherein it is reſolv'd to vote by Nation in the Publick Seſſions.

8. AN Aſſembly of the Nations to take Examinations againſt *John* XXIII.

9. THE Arrival of the Archbiſhop of *Strigonia*, and of the Archbiſhop of *Colocza*.

11, 12, 13, 14. SEVERAL Memorials are exhibited againſt *John* XXIII.

15. THE Duke of *Milan* does Homage to the Emperor. An Aſſembly of the Members, concerning the Reſignation of the Rival Popes.

16. ANOTHER Aſſembly on the ſame Affair. A Form of ſuch Reſignation is preſented to *John* XXIII.

17 THE Arrival of the Archbiſhop of *Narbonne*. Several Aſſemblies of the Nations concerning the Form of *John* XXIII's Reſignation. Arrival of Deputies from the Univerſity of *Paris*.

18. The Emperor's Speech upon the Union of the Church.

20, 21, 22, 23, 24. THE Aſſembly of the *German* Nation for uniting with the Deputies of the Univerſity of *Paris*, in the Affair of the Union and the Reformation.

25, 26, 27, 28. AN Aſſembly of the Nations concerning the Reſignation of *John* XXIII.

## M.CCCCXV. MARCH.

1. A GENERAL Congregation in the Preſence of the Emperor, wherein *John* XXIII. abdicates the Pontificate.

2. THE SECOND GENERAL SESSION, wherein *John* XXIII. repeats his Reſignation.

3. *JOHN*

3. *JOHN Hus* is remov'd to the *Franciſcans* Priſon. The Emperor hinders the Pope from proceeding againſt *John Hus*. The Arrival of *Charles de Malateſteta* Proctor of *Gregory* XII.

4. A General Congregation in the Emperor's Preſence concerning his Journey to *Spain*. Conventions relating to that Journey.

5. *JOHN* XXIII. is importuned in vain to grant a Bull of his Reſignation. The Arrival of ſeveral Ambaſſadors from *France*.

6, 7, 8. *JOHN* XXIII. grants the Bull of his Reſignation. The Arrival of *John Amadeus* Cardinal *de Saluces*.

9. *JOHN* XXIII. is preſs'd to appoint Proctors for making his Reſignation. Upon his Refuſal the Emperor cauſes the Gates of the City to be ſhut.

10. THE Pope conſecrates the Golden Roſe, and gives it to the Emperor.

11, 12, 13. A General Congregation to conſider of the Election of a new Pope, wherein the Biſhop of *Mentz* pleads warmly in favour of *John* XXIII, while the Biſhop of *Salisbury* maintains that the Pope ought to be burnt. Another Aſſembly of the Nations upon the ſame Subject.

14. A Congregation in the Pope's Palace, wherein Complaint is made of the ſhutting of the City Gates.

15. A General Congregation in the Emperor's Preſence to oblige *John* XXIII. to continue and maintain the Council.

16. A General Congregation in the Pope's Palace, in which an Anſwer is return'd to the Demands of the preceding Congregation.

17. AN Aſſembly of the Nations to oblige the Pope to appoint the Proctors for his Reſignation, and not to diſſolve the Council.

18. ANOTHER Aſſembly of the Nations wherein the *Italians* are willing to diſpenſe with the Pope's Reſignation by a Proctor. *John* XXIII. contrives how to withdraw himſelf.

19. AN Aſſembly of the Nations in the Preſence of the Emperor, wherein the *Engliſh* move that the Pope may be put under an Arreſt. Another Aſſembly on the ſame Affair. The Emperor forbids the Duke of *Auſtria* to favour *John* XXIII's Eſcape. The Emperor goes to viſit the Pope to hinder him from quitting *Conſtance*. The Biſhop of *Salisbury* tells *John* XXIII. to his Face, that the Council is above a Pope.

20. THE Eſcape of *John* XXIII. by favour of a Tournament which was given by the Duke of *Auſtria*. The Eſcape of the Duke alſo. The Pope writes from *Schaffhauſen* to the Emperor, to excuſe his Eſcape.

21. THE Emperor declares publickly that the Council is not diſſolv'd by the Abſence of the Pope.

A GENERAL Congregation in the Emperor's Preſence, declaring the Council to be continued. The Emperor publickly impeaches the

Duke of *Auſtria* of having betray'd the Council. A Deputation is ſent to *John* XXIII. on the Part of the Council and Cardinals.

*GERSON* receives an Order to pronounce a Diſcourſe upon the Authority and Superiority of the Council. *John* XXIII. ſends his Apology. *John Hus* is put into the Cuſtody of the Biſhop of *Conſtance*, from whence he is remov'd to *Gotleben*.

22. AN Aſſembly of the Nations. The Cardinals are invited to hear *Gerſon*'s Speech, which they refuſe. A Conference between the Emperor and the Cardinals *Gerſon* makes his Speech. Departure of the Legates for *Schaffhauſen*, to which the Pope recalls his Court.

23. SOME of the Cardinals follow the Pope to *Schaffhauſen*

24. THE Archbiſhop of *Rheims*, who was ſent to *Scaffhauſen*, returns. The Emperor aſſembles the Nations to hear his Report.

THE Council is confirm'd in its Authority.

25. A General Congregation to conſider whether the Cardinals ſhall be admitted at the Seſſions.

26. THE THIRD SESSION, wherein the Authority of the Council is confirm'd notwithſtanding the Abſence of the Pope. The Biſhop of *Tolentin*'s Propoſition againſt the Eſcape of *John* XXIII. The Cardinals who were deputed return to *Conſtance*.

27. FOUR of the fugitive Cardinals return to *Conſtance*. The Pope again recalls his Court. The Cardinals make their Report in an Aſſembly, wherein there were very bitter Speeches. The Archbiſhop of *Piſa* makes Propoſitions on the Part of the Pope. War is declar'd againſt the Duke of *Auſtria*.

28. THE Pope again ſummons his Cardinals. An Aſſembly full of Debates concerning the Authority of the Council. Several of the Duke of *Auſtria*'s Vaſſals abandon him.

29. A General Congregation before the Seſſion. An Aſſembly of the Cardinals to oppoſe the Publication of the Decrees concerning the Superiority of the Council. The Pope flies to *Lauffenbourg*.

30. A General Congregation concerning the Oppoſition made by the Cardinals to the Publication of the Decrees.

THE FOURTH SESSION, concerning the Superiority of the Council.

## M.CCCCXV. APRIL.

1. AN Aſſembly of the Nations concerning *Zabarella*'s Omiſſions.

AN Invective againſt the Cardinal upon that Account.

2. AN Aſſembly of the Nations, in which 'tis reſolv'd to read the Decrees curtail'd by *Zabarella*, at full Length.

4. THE Pope's Letters to the Council. *Jerome* of *Prague* arrives at *Conſtance*.

5. A

5. A General Congregation concerning the Pope's ſecond Flight.

6. THE FIFTH SESSION, in which the Decrees curtail'd by *Zabarella* are read at full length. They reſolve to notify the Pope's Flight to all Chriſtendom. The Emperor undertakes to ſend for *John* XXIII. The Cardinals ſtickle hard for the ſaid Pope. Penalties are decreed againſt thoſe who retire from the Council without Leave.

7. THE Deputies of the Nations aſſemble to hear the Apology for *John* XXIII. *Frederick* of *Auſtria* is again ſummon'd. *Jerome* of *Prague* demands a Safe-Conduct.

8. AN Aſſembly of the Nations to provide for the Diſpatch of Affairs of Juſtice, and of Matters of Faith, notwithſtanding the Pope's Abſence.

9. AN Aſſembly to procure the Diſpatch of the Affairs of the Roman Chancery, notwithſtanding the Pope's Abſence. *Jerome* of *Prague* not being able to obtain ſuch a Safe-Conduct as he deſir'd, returns to *Bohemia*.

10. *JOHN* XXIII. eſcapes to *Fribourg*, from whence he writes to the Council.

11. AN Aſſembly of the Deputies of the Nations to diſpatch a Safe-Conduct to *Jerome* of *Prague*, and to oblige the Pope to keep his Word.

13. AN Aſſembly of the Nations to examine the Pretenſions of *John* XXIII. The *Mendicant* Friers are forbid to retire from Council. The Safe-Conducts granted to certain Cardinals are revok'd, becauſe they abuſed them.

15. THE Death and Elogium of *Emanuel Chryſolorus*.

16. *JOHN* XXIII. flies to *Briſac*. An Aſſembly of the Nations to regulate the Affairs of the Sixth Seſſion.

17. THE SIXTH SESSION. A Form is drawn up of the Pope's Letter of Attorney for his Reſignation. The Citation of *Jerome* of *Prague* is reſolv'd on. The Opinion of the Cardinals is demanded concerning the Books and Articles of *Wickliff*. Defamatory Libels are prohibited. Articles againſt the Pope and his Cardinals. Letters from the Univerſity of *Paris* to the Council, and from the Council to ſeveral Kings and Princes.

18. *JEROME* of *Prague* is ſummon'd for the firſt Time. A Safe-Conduct is contriv'd for *John* XXIII. An Aſſembly of the Cardinals to defend their Right of Suffrages. An Aſſembly of the Nations on the ſame Subject. Divers Aſſemblies of Cardinals, Divines and Civilians, to conſider whether the Articles of *Wickliff* ought to be condemn'd in the Name of the Council, or of the Pope, or in the Name of both.

19. CARDINALS are deputed to *John* XXIII. to have his Letter of Attorney.

24. THE Council's Legates meet *John* XXIII. at *Briſac*, and come back diſguſted.

25. *JOHN* XXIII. flies from *Briſac* to *Neuenbourg*. *Jerome* of *Prague* is ſtop'd on the Road to *Bohemia*.

26. MATTERS are in Treaty for the Reconciliation of the Duke of *Auſtria* to the Emperor, and for the Pope's Return.

27, 28. THE Pope promiſes to ſend his Letter of Attorney. He praſtiſes Simony at *Fribourg*.

29. THE Legates return from *Fribourg re infecta*. 'Tis reſolv'd to ſummon *John* XXIII.

30. THE Duke of *Auſtria* returns to *Conſtance*. *John* XXIII's Legates bring a Letter of Attorney from him, which the Council does not approve of.

## M.CCCCXV. MAY.

1. A General Congregation for iſſuing a Summons to *John* XXIII, and *Jerome* of *Prague*.

2. ANOTHER Aſſembly of the Nations for or againſt the Right of Cardinals to give their Suffrages.

SESSION the SEVENTH. *John* XXIII. is cited, and *Jerome* of *Prague* accuſed of Contempt of the Council. He is ſummon'd a ſecond Time. A Safe-Conduct is ſent to *John* XXIII.

3. ENVOYS are admitted from the Elector of *Mentz*.

4. *JEROME* of *Prague* is cited a third Time, as well as the *Wickliſtes*.

SESSION the EIGHTH. *Wickliff*'s Memory and Books are condemn'd. *John* XXIII. is cited.

THE Return of ſome Cardinals to *Conſtance*.

5. THE Duke of *Auſtria* is reconcil'd to the Emperor, by putting all his Dominions into the Hands of his Imperial Majeſty.

9. A Meſſage is ſent to *Fribourg* to carry Pope *John* XXIII's Summons, and to bring him back to *Conſtance*.

10. HE pretends a Deſire to return thither.

11, 12. AN Enquiry is made into the Diſpute between the *Poles* and the *Teutoniſe* Order. *John* XXIII. nominates certain Cardinals to defend his Cauſe. They refuſe to plead it.

13. SESSION the NINTH. *John* XXIII. is cited a ſecond Time. An Information is drawn up againſt him. Letters from the Univerſity of *Paris* to the Council and the Emperor. Aſſembly of the Nations concerning the Reſignation of *Gregory* XII. A Letter from *Malateſta* to the Council.

15. SESSION the TENTH. *John* XXIII. is ſuſpended. *Jacobel* is accuſed of having renew'd the Communion in both Kinds. The Grandees

Grandees of *Bohemia* intercede for *John Hus*. Aſſembly of the *German* Nation concerning the Methods of collecting the Votes.

15. ASSEMBLY of the Nations concerning the Reſignation of *Gregory* XII.

16. *JOHN* XXIII. is ſummon'd a fourth Time. Articles exhibited againſt him. Aſſembly of the Nations upon the Affairs of *John Hus* and *Jacobel*.

17. *JOHN* XXIII. is brought to *Ratolfeel*, where he is put under a Guard.

18. ASSEMBLY of the Nations to hear the Great Men of *Bohemia* in Favour of *John Hus*. Aſſembly of the Deputies to hear the Witneſſes againſt *John* XXIII.

20. *JOHN* XXIII. acquieſces in his Suſpenſion.

21, 22. SEVERAL Aſſemblies againſt *John* XXIII. *Theodoric de Niem*'s Invective againſt him.

23. *JEROME* of *Prague* is brought back to *Conſtance*, committed to Priſon, and examin'd.

25. SESSION the ELEVENTH. A Reſolution is paſs'd to depoſe *John* XXIII. They order him to be acquainted with the ſaid Reſolve, and he acquieſceth.

26. THE Return of the Legates whom the Council ſent to *John* XXIII.

ASSEMBLY of the *Gallican* Nation on the Affair of *John Petit*.

27. THE Pope writes to the Emperor to recommend his Intereſts to him. They defer paſſing Sentence on him. The Commiſſioners have ſeveral Meetings upon this Affair.

28. THE Emperor prepares to ſet out for *Spain*. The Cardinals deſire that ſome of their College may accompany him. The Affair of *John Hus* is taken into Conſideration.

THE Duke of *Burgundy* writes to the Council in his own Juſtification.

29. SESSION the TWELFTH. *John* XXIII. is depos'd and condemn'd to Impriſonment. A Reſolution is paſs'd to chuſe no other Pope but by Conſent of the Council, and to elect neither of the Competitors.

31. A DEPUTATION is ſent to *John* XXIII. to acquaint him of his being depos'd. He acquieſces in his Sentence and confirms it. Aſſembly of the Nations for examining *John Hus*.

THE *Bohemians* put in a Memorial to procure him a Publick Hearing.

## M.CCCCXV. JUNE.

1. THE *Bohemians* deſire to know of *John Hus*, while he is a Priſoner at *Gotleben*, what he thinks of the Communion in both Kinds. They ſollicit a publick Hearing for him.

5. *JOHN* XXIII's Domeſticks are taken from him, and he is hereafter to be call'd *Balthaſar Coſſa*. He is committed to the Cuſtody of the Elector Palatine, who cauſes him to be remov'd to *Heidelberg*, and there confin'd cloſe Priſoner. The Emperor in the Pope's Abſence takes Care of the Adminiſtration of the Eccleſiaſtical Benefices and Eſtates in *Germany*. *John Hus* is ſollicited, while he is in Priſon, to retract.

7. A GREAT Eclipſe of the Sun.

A PUBLICK Congregation, in which *John Hus* is examin'd.

THE Affair of *John Petit* is brought upon the Carpet.

8. THIRD Examination of *John Hus*. Several Articles are read to him taken out of divers of his Books, together with the Anſwers he had already return'd to ſome of them; and he makes Anſwer to others of them. Endeavours are us'd in vain to force him to retract.

9. A Form of Recantation is preſented to *John Hus*, which he refuſes to accept, tho' ſeveral Fathers of the Council did all they could to remove his Scruples on that Head.

11. *JOHN Hus*, after having gone thro' all thoſe Interrogations, calmly waits for the Act of his Condemnation.

14. ASSEMBLY of the Nations upon the Affair of *Jacobel* and *John Petit*.

15. SESSION the THIRTEENTH, in which the Communion in both Kinds is interdicted, and the Cauſe of *John Petit* is pleaded. On the ſame Day *Charles de Malateſta* makes his Entry at *Conſtance*, and had Audience the next Day.

23. *SIGISMOND* retires for a few Days to *Uberlingen*. Both Promiſes and Menaces are made uſe of to engage *John Hus* to retract. *Paletz* is one of the Tempters.

24. THE Books of *John Hus* are condemn'd to be burnt. The Complaints and Reflections of *John Hus* upon that Head. Several of his Letters.

28. The Emperor returns from *Uberlingen*.

30. *JOHN Hus* is allow'd a Confeſſor.

## M.CCCCXV. JULY.

1. *JOHN Hus* is ſollicited in vain to retract.

4. SESSION the FOURTEENTH. The Preliminary Conferences of this Seſſion. The Emperor preſides at theſe Conferences, in which

which they debate the Reſignation of *Gregory* XII, who ſummons the Council of *Conſtance* before he reſigns.

A Doctor's Sermon upon the Reformation of the Church. Meaſures are enter'd into for the Election of a new Pope. Some Decrees are read in favour of *Gregory* XII. He reſigns by a Proctor.

5. AN Aſſembly of the Deputies of the Nations, and their vain Efforts to engage *John Hus* to retract. An Aſſembly of the *German* Nation concerning the Diſpute between the *Poles* and the *Teutonick* Order. *Paul Voladimir* ſays that Hereticks muſt be converted by Perſuaſion, and not by Violence.

6. THE ſame Queſtion is debated. The FIFTEENTH SESSION. The Biſhop of *Lodi*'s Speech upon the Puniſhment of *John Hus*, who is condemn'd, carry'd to the Place of Execution, and burnt. The Condemnation of *John Petit*'s Doctrine.

11. SESSION the SIXTEENTH. Deputies are nominated to accompany *Sigiſmond* into *Spain*.

14. SESSION the SEVENTEENTH. The Emperor takes Leave of the Council to go to *Spain*, and ſolemnly receives the Benediction of that Aſſembly.

19. *JEROME of Prague* is examin'd.

21. *GERSON* harangues the Council before the Emperor's Departure, concerning the Order of the Council and his Authority. The Emperor's Departure. The Elector Palatine Protector of the Council in his Abſence.

22. A GENERAL Aſſembly of what has been and is to be done in the Council.

25. THE Departure of *Gregory*'s Legates.

26. THE Council writes to *Bohemia* an Account of the Execution of *John Hus*.

## M.CCCCXV. AUGUST.

3. THE Reſignation of *Gregory* XII. is confirm'd.

4. THE Council is acquainted with the Emperor's Arrival in *France* to accommodate that Kingdom with *England*.

15. THE Emperor expects the *Spaniards* at *Narbonne* to treat about the Peace of the Church, and the Reſignation of *Benedict* XIII.

17. SESSION the EIGHTEENTH. Some general Regulations of the Method of treating the Affairs of the Council, of trying Cauſes, and concerning the Authority of the Bulls of the Council.

18. A SPEECH concerning the Reformation of the Church.

20. AN Aſſembly of the Reforming College. The Tranſlations of Biſhops.

*GERSON* preſents a Memorial concerning *John Petit*'s Affair.

23. THE Archbiſhop of *Riga* is deputed to the Emperor, to intreat him to haſten the Affair of *Benedict* XIII.

25. THE Council ſends the Biſhop of *Ast* into *Hungary*, to recommend it to the *Hungarians* to be loyal to *Sigiſmond*.

28. *GERSON*'s Treatiſe concerning Viſions or Revelations.

29. THE Council is inform'd of the Proſpect there is of the approaching Union of the Church by the ſpeedy Reſignation of *Benedict*.

30. AN Aſſembly of the Reforming College concerning the Capacity of the Prelates.

31. THE Emperor and the King of *Arragon* are at *Perpignan* to oblige *Benedict* to reſign.

## M.CCCCXV. SEPTEMBER.

7. AN Aſſembly of the Reforming College concerning the Authority of the Prothonotaries.

8. AN Aſſembly of the Nations, in which a Letter is read from the *Bohemians* to the Council, concerning the Execution of *John Hus*. *Jerome* of *Prague* is invited to retract. A Diſcourſe touching the Reformation of the Church.

11. A GENERAL Congregation in which *Jerome* of *Prague* promiſes to retract.

*JOHN Petit*'s Affair is diſcuſs'd.

12. THE Council is acquainted with the Shifts of *Benedict* XIII. to evade his Reſignation.

13. AN Aſſembly of the Reforming College concerning the Collation to Benefices.

14. ANOTHER Aſſembly of the Reforming College to limit the Pope's Diſpenſations.

18. NEGOTIATIONS concerning *Benedict*'s Reſignation.

22. SESSION the NINETEENTH. *Jerome* of *Prague* retracts in Publick. A Decree concerning the Safe-Conducts granted to Hereticks by Temporal Princes. A Caroline Conſtitution in favour of the Eccleſiaſtical Immunities. *Jerome* of *Prague* is brought back to Priſon.

30. ASSEMBLY of the Reforming College concerning the Monks.

## M.CCCCXV. OCTOBER.

1. AN Aſſembly of the Reforming College concerning the unjuſt Oaths of the Canons.

A GENERAL Aſſembly concerning *Benedict*'s Reſignation.

10. DEATH of the Cardinal *de Bar*. An Aſſembly of the Reforming College relating to Provincial Councils.

11. *JOHN Petit*'s Affair is canvaſs'd.

14. *BENE-*

14. *BENEDICT* XIII. preſents to the Emperor and the Legates of the Council a Form of Reſignation.

16. THE ſaid Form is examin'd.

19. AN Aſſembly of the Reforming College concerning the Monks.

21. *GERSON* is accuſed of Hereſy.

26. THE Form of *Benedict*'s Reſignation is rejected at *Perpignan*. The Cardinal *de Bar*'s Funeral Obſequies at *Conſtance*.

27. A DISCOURSE concerning Simony and other Abuſes.

28. A MURDER committed at *Conſtance*.

29. *JEROME* of *Prague*'s Recantation is ſuſpected.

30. *JOHN Petit*'s Affair is diſcuſs'd.

31. DEPUTIES are ſent to *Benedict* to exhort him to reſign, which he refuſes.

## M.CCCCXV. NOVEMBER.

2. THE Emperor obſerving the Evaſions of *Benedict* XIII. quits *Pergignan* and returns to *Narbonne*.

3. THE King of *Arragon* enjoyns *Benedict* XIII. to reſign, but he deſpiſes him.

5. AN Aſſembly of the Reforming College concerning Reſidence.

8. POPE *Benedict* preſents a new Form of Reſignation.

THE Diſpute between the Cardinal of *Cambray* and the Biſhop of *Arras* upon the Affair of *John Petit*.

9. AN Aſſembly of the Reforming College concerning the Capacity of Prieſts. *Benedict* is invited to reſign.

12. HE refuſes it, and flies to *Collioure*.

13. *BENEDICT*'s Cardinals refuſe to return to *Perpignan*.

15. *GERSON*'s Treatiſe concerning Simony.

16. AN Aſſembly of the Reforming College on the ſame Subject. *Benedict*'s negative Anſwer to the King of *Arragon*'s Requeſt.

17. *BENEDICT* is a third time, in vain, requir'd to reſign.

18. AN Aſſembly of the Reforming College concerning the Learning of the Prelates.

19. AN Aſſembly of the Reforming College concerning the Union of the Churches.

20. *VINCENT Ferrier* is ſent, in vain, to *Benedict* XIII. to oblige him to reſign. The King of *Arragon* ſends ſome Propoſitions on this Head to the Emperor. The Legates of the Council return to *Perpignan* in hopes that *Benedict* will reſign.

21. SESSION the TWENTIETH. A Monitory againſt the Duke of *Auſtria*.

22. AN Aſſembly of the Reforming College againſt Exemptions.

24. An Aſſembly of the Reforming College touching Caſes reſerv'd to the Pope.

28. The Arrival of the *Samugitian* Ambaſſadors, and of a new Embaſſy from *Poland*.

30. A Letter from *Ladiſlaus* King of *Poland* to the Council of *Conſtance*.

## M.CCCCXV. DECEMBER.

5. A Diſcourse concerning the Reformation of the Church.

7. The Diſpute of the Biſhop of *Strasbourg* with his Chapter and the Magiſtrates of that City. A Letter from *Gregory* XII. to the Council.

8. The Biſhop of *Arras*'s Apology for *John Petit*.

11. An Aſſembly of the Nations concerning the Affair of the Biſhop of *Trent*.

13. The Capitulation of *Narbonne* concerning the Union of the Church.

17, 18. Aſſemblies of the Deputies in the Affair of *John Petit*.

19. The *German* Nation complains of the Slowneſs of the Reformation.

25. The Death of one of *Gregory*'s Cardinals.

28. A Diſcourse concerning the Reformation, and the Union of the Church.

29. The Celebration of the Feſtival of St. *Thomas* of *Canterbury*. The Council receives good News concerning the Union of the Church.

30. Freſh Complaints of the *Bohemians* to the Council.

## M.CCCCXVI. JANUARY.

1, 2, 3, 4. They take into Conſideration the Affair of the Biſhop of *Strasbourg* arreſted in that City, and Deputies are ſent to procure his Enlargement.

4. An Aſſembly of the Deputies on the Affair of *John Petit*.

6. The Biſhop of *Toulon*'s Speech concerning the Reformation of the Church. The Kings of *Spain* renounce the Obedience of *Benedict* XIII.

7, 8, 9. The Council gives Audience to the Ambaſſadors of the King of *Naples*, and to ſome others.

14. The Return of the Deputies whom the Council had ſent to *Strasbourg*.

15. A General Aſſembly on the ſame Affair.

19. An Aſſembly of the Nations on that Affair.

24. The

24. THE Execution of the Caroline Bull concerning the Eccleſiaſtical Immunities.

29. THE Return of the Legates who had been with the Emperor in *Spain*.

30. A GENERAL Congregation to hear their Report. They read the Capitulation of *Narbonne*.

## M.CCCCXVI. FEBRUARY.

2. A SPEECH upon the Reformation of the Church.

4. THEY ſwear to the Capitulation of *Narbonne*.

5. THE Arrival of the Cardinal *de Foix*, one of *Benedict*'s Obedience.

6. A LETTER from the Univerſity of *Paris* to the Council, concerning the Propoſitions of *John Petit*.

9. A GENERAL Aſſembly for the Converſion of the Pagans in *Samogitia*.

13. A GENERAL Congregation upon the Diſpute between the *Poles* and the *Teutonick* Order. They put off Affairs of Importance and Delicacy, till the Emperor's Return.

15. *SIGISMOND* makes Duke *Amadeus* Count of *Savoy* at *Chamberry*.

16. A DISCOURSE upon the Reformation of the Church.

18. THEY debate the Affair of *John Petit*.

20. A CONGREGATION for the Reformation of the Black Monks.

21. A GENERAL Congregation, in which the Officers of *Gregory* XII. are admitted. They reſolve to ſummon the *Huſſites* of *Bohemia*. The Affair of the Biſhop of *Strasbourg* is debated.

22. *JOHN d'Opizis* is ſent by the Council to the King of *Arragon*.

23. A GENERAL Congregation upon the Diſpute between the *Poles* and the *Teutonick* Order.

24. ANOTHER General Congregation upon the ſame Affair; and upon thoſe of *Jerome* of *Prague* and *Gregory* XII.

28. THE Arrival and Reception of the King of *Arragon*'s Ambaſſadors.

## M.CCCCXVI. MARCH.

1. *SIGISMOND* returns to *Paris* to negociate the Peace between the *French* and *Engliſh*. A Diſcourſe upon the Reformation of the Church. Prelates are ſent to *Samogitia* for the Converſion of that Province.

2. A GENERAL Congregation to give Audience to an Ambaſſador from *Arragon.*

3. A Tournament given by the Elector Palatine.

4. THE Archbiſhop of *Gneſna* being at *Paris*, the Univerſity of *Paris* preſents him a Defamatory Libel, compos'd by *John de Falkenberg*, againſt the Kingdom of *Poland.*

6. A PROCESSION for the Peace of the Church.

8. A DISCOURSE in favour of the Pope's Authority pronounc'd by a *Dominican.*

10. A MONITORY againſt thoſe of *Strasbourg* who detain'd the Biſhop of that Place in Priſon.

14. *JOHN Petit*'s Affair is debated.

19. THEY go again upon the ſame Affair.

26, 27. NEGOTIATIONS upon the ſame Affair.

30. *FREDERICK* of *Auſtria* flies from *Conſtance.*

## M.CCCCXVI. APRIL.

2. THE Death of *Ferdinand*, King of *Arragon.* His Son *Alphonſus* ſucceeds him.

5. A DISCOURSE upon the Reformation of the Church.

11. SOME Robbers are apprehended, who infeſted the Neighbourhood of *Conſtance.* Debates upon the Affair of *John Petit.*

12. THIS being *Palm-Sunday*, there was a ſolemn Proceſſion and other Solemnities on the Days following.

27. *JEROME* of *Prague* is again examin'd. The Appeal of the *Strasbourgers.* They refuſe to canoniſe certain Saints of *Sweden.*

30. A GENERAL Congregation for the Funeral Obſequies of the King of *Arragon. John Petit*'s Affair is debated. The Appeal of the *Strasbourgers* is rejected. The *German* Nation aſſembles on that Affair.

## M.CCCCXVI. MAY.

2. THE Biſhop of *Arras* pleads for the Duke of *Burgundy* and *John Petit.*

3. *ERNEST*, Duke of *Auſtria*, ſends the Council a Proteſtation of his Fidelity to the Church.

*GERSON* confutes the Biſhop of *Arras.*

5. THE *Bohemians* are cited. An Aſſembly for the Affair of *John Petit* and the Duke of *Burgundy.*

*GERSON* confutes the Plea of the Biſhop of *Arras.*

6. *JOHN Petit*'s Propoſitions are deliver'd in.

7. THE Emperor arrives at *London.*

8. THE Biſhop of *Strasbourg*'s Affair is treated of.

9. THE Affairs of *Jerome* of *Prague* and the Biſhop of *Trent* are conſidered.

11. THE Affairs of the Biſhop of *Trent* and of *John Petit* are debated.

15. *ALPHONSO* King of *Arragon* confirms the Capitulation of *Narbonne*.

16. THEY treat of the Affair of the Biſhop of *Strasbourg*.

23. *JEROME* of *Prague* is again examin'd.

26. AND again.

30. SESSION the TWENTY FIRST. *Jerome* of *Prague* is condemn'd to the Flames. The Biſhop of *Lodi*'s Speech upon his Execution. *Jerome* dies with Conſtancy. Letter from *Poggius* of *Florence* upon that Execution.

31. THE abſent Prelates are recall'd.

## M.CCCCXVI. JUNE.

1. THE Arrival of Ambaſſadors from *Portugal*.

3. A GENERAL Congregation upon the Citation of the *Huſſites* of *Bohemia*. The Emperor writes to the Council to decide nothing of Importance in his Abſence. The Archbiſhop of *Mentz* excuſes himſelf from any Colluſion with *John* XXIII. Judgment is pronounced againſt the *Strasburghers*. A Perſon is puniſhed for Simony. The Elector Palatine's Return to *Conſtance*.

6. AUDIENCE is given to the Ambaſſadors of *Portugal*. The Death of *Theodoric de Niem*.

11. THE Count *de Nellembourg* juſtifies himſelf in the Affair of the Biſhop of *Strasbourg*.

17. AN Aſſembly of the Nations upon the Converſion of the *Samogitians*.

THE following Days were ſpent in Proceſſions.

27. *WILLIAM de Dieſt*, Biſhop of *Strasbourg*, comes to *Conſtance* and ſubmits to the Judgment of the Council.

## M.CCCCXVI. JULY.

1. THE Abjuration of *Latzenbock*, the *Huſſite*.

4. A CONGREGATION concerning the Union of the *Arragoneſe* to the Council.

14. A LETTER from the King of *Caſtille* to the Council.

18. A GENERAL Aſſembly on the Affair of *Strasbourg*, and on that of the *Bohemians*.

## M.CCCCXVI. AUGUST.

2. SUNDAY. A Proceſſion.
9. ANOTHER Proceſſion.
10. AN Aſſembly on the Affair of the *Bohemians*.
11. ANOTHER Aſſembly on the ſame Subject.
12. ANOTHER Aſſembly on the ſame Subject.
14. AN Aſſembly on the Affair of *Strasbourg*.
15. ANOTHER Aſſembly on the ſame Subject.
16. THE ſame.

## M.CCCCXVI. SEPTEMBER.

4. A GENERAL Aſſembly, wherein the *Bohemians* are excommunicated, as well as *Frederick* of *Auſtria*.
5. THE Reception of the Ambaſſadors from *Arragon*.
6. THE Arrival of the Ambaſſadors from *Naples*.
8. *GERSON*'s Diſcourſe on the Nativity of the Virgin *Mary*, her immaculate Conception, and againſt the Multiplication of Feſtivals.
10. AUDIENCE is granted to the *Arragoneſe*.
13. *JOHN Petit*'s Affair is debated.
16. AUDIENCE is granted to the Ambaſſadors of *Naples*. A Letter from the *Poles*, from the *Teutonick* Order, and from the Univerſity of *Cracow*, to the Council.
19. A GENERAL Aſſembly concerning the withdrawing from *Benedict*, and from the real Obedience of *Gregory* XII.
24. THE Arrival of ſome new Ambaſſadors from *England*.

## M.CCCCXVI. OCTOBER.

1. *PETER d'Ailli*'s Diſcourſe upon Eccleſiaſtical Power.
10. AN Aſſembly of the Nations concerning the Union of the *Spaniards*, who afterwards made a fifth Nation in the Council.
13. *JOHN Petit*'s Affair is debated.
14. AN Aſſembly concerning the Union of the *Spaniards*.
15. SESSION the TWENTY SECOND. The ſolemn Union of the *Arragoneſe* to the Council.

## M.CCCCXVI. NOVEMBER.

SESSION the TWENTY-THIRD, in which Commiſſioners are appointed to proſecute *Peter de Luna*.
6. ANOTHER Aſſembly for the ſame Purpoſe.

7. THE

7. THE ſame.

26. *HENRY*, Duke of *Brunſwick*, ſets out, indiſpos'd, from *Conſtance* to return into his own Country.

28. SESSION the TWENTY-FOURTH, in which a Decree is made for the Citation of *Benedict* XIII.

29. A Proceſſion for the Emperor's happy Voyage.

## M.CCCCXVI. DECEMBER.

5. A Deputation is ſent to *Peter de Luna*.

13. THE Arrival of two Biſhops of *Benedict*'s Party to unite to the Council.

14. SESSION the TWENTY-FIFTH. The Envoys of the Count *de Foix* are united to the Council. A Confirmation of the Regulations for the Police.

16. THE Arrival of Ambaſſadors from *Navarre*.

23. AN Aſſembly concerning the Right of Suffrages.

24. SESSION the TWENTY-SIXTH. The *Navarreſe* are united to the Council.

29. THE Feſtival of St. *Thomas* of *Canterbury* is celebrated.

31. A LETTER from the Council to the Emperor concerning the Affairs of the *Huſſites*.

## M.CCCCXVII. JANUARY.

4. AN Aſſembly of the Nations upon the Defection of *Caſtille*.

6. SERMONS upon the Manners of the Clergy.

17. *GERSON*'s Diſcourſes upon the Authority of the Council.

18. *GERSON*'s Treatiſe upon the Affair of *John Petit*.

2 . THE Deputies of the Council acquaint *Benedict* XIII. with his Summons.

24. THE *Engliſh* regale the Senate of *Conſtance* with a Sacred Comedy by way of Rejoicing for the Emperor's Approach.

*BENEDICT* returns an Anſwer at large to his Citation.

27. THE Emperor's Return to the Council.

THE Archbiſhop of *Gneſna* lays *Falkenberg*'s ſeditious Libel before the Council.

31. THE *Engliſh* entertain the Emperor and the Princes, and cauſe the bovementionꝰd Comedy to be again repreſented.

## M.CCCCXVII. FREBUARY.

2. *GERSON*'s Diſcourſe againſt the Doctrine of *John Petit*.

3. THE Archbiſhop of *Gran*'s Arrival at *Conſtance*.

6. *GERSON*'s Tract concerning Eccleſiaſtical Power.

10. *JOHN Falkenberg* is committed to Priſon for his Libel againſt the *Poles*.

13. THE Condemnation of that Libel is reſolv'd upon by the Nations and Cardinals.

19. *FREDERICK* of *Auſtria* is cited.

20. SESSION the TWENTY-SEVENTH, againſt the ſaid Duke.

23. THE Elector of *Mentz* receives the Inveſtiture of that Electorate.

28. DISCOURSES upon the Corruption of the Manners of the Clergy.

A CHAPTER of *Benedictins*.

## M.CCCCXVII. MARCH.

3. SESSION the TWENTY-EIGHTH, againſt the Duke of *Auſtria*.

THE *French* diſpute the Prerogative of the *Engliſh* to make a Nation in Council.

7. A LETTER is read from the Deputies of the Council in *Spain*.

8. SESSION the TWENTY-NINTH. *Benedict* XIII. is declar'd contumacious.

9. THE Return of the Ambaſſadors of the Council from *Spain*.

10. SESSION the THIRTIETH, concerning the Affair of *Benedict*.

17. *PETER d'Ailli*'s Tract upon the Reformation of the Calendar.

18. PRIVILEGE granted by the Emperor to the City of *Brunſwick*.

19. THE Chapter of the *Benedictins* ſeparates.

21. *PETER d'Ailli*'s Diſcourſe touching the Reformation.

28. ANOTHER Diſcourſe on the ſame Subject.

29. ARRIVAL of the Ambaſſadors of *Caſtille*.

30. SESSION the THIRTY-FIRST, wherein the Affairs of the Count *de Verue*, *Gregory* XII, the *Poles* and others, are diſcuſs'd.

THE *Engliſh* defend their Right againſt the *French*.

## M.CCCCXVII. APRIL.

1. SESSION the THIRTY-SECOND. *Benedict*'s Citation is renew'd.

3. AN Audience is granted to the *Caſtillians*. The Emperor makes a Tour to *Ratolfcell*.

4. A GENERAL Proceſſion. Papers are paſted up againſt *Peter de Luna*, and againſt the Duke of *Auſtria*.

8. A SERMON by Cardinal *Zabarella*.

THE following Days are ſpent in pious Solemnities.

13. THE Emperor's Return. The Arrival of the Dukes of *Bavaria*.

15. THE

15. THE Arrival of *Frederick*, Margrave of *Miſnia*.
18. *FREDERICK*, Burgrave of *Nuremberg*, receives the Inveſtiture of the Electorate of *Brandebourg*.
22. AN Aſſembly of the Commiſſioners againſt *Benedict* XIII.
23. HE is again cited.
24. ARTICLES of Impeachment are exhibited againſt him.
26. ANOTHER Aſſembly on the ſame Subject.
28. *ADOLPHUS*, Count of *Cleves*, is made Duke.
30. A GENERAL Proceſſion.

## M.CCCCXVII. MAY.

1. NEW Articles are exhibited againſt *Benedict*.
9. *MAURICE* of *Prague*'s Sermon againſt Simony.
10. AN Aſſembly againſt *Benedict*.
11. THE Elector Palatine receives the Inveſtiture of that Electorate. The Count *de Nellenbourg* receives the Inveſtiture of his Dominions. *Benedict* is again cited.
12. SESSION the THIRTY-THIRD, againſt *Benedict*.
THE Margrave of *Miſnia* retires from *Conſtance*, diſguſted with the Emperor.
15. AN Aſſembly of the Commiſſioners againſt *Benedict*.
16. THE Emperor grants the Inveſtiture to the Elector of *Saxony*, and ſeveral other Princes.
21. AN Aſſembly of the Commiſſioners againſt *Benedict*.
25. ANOTHER Aſſembly on the ſame Affair.
27. ANOTHER Aſſembly on the ſame Affair.
29. THE Cardinals lay before the Emperor a Plan for the Election of a Pope.
30. *PETER d'Ailli*'s Diſcourſe recommending the ſaid Form.

## M.CCCCXVII. JUNE.

1. An Aſſembly againſt *Benedict*.
5. SESSION the THIRTY-FOURTH, concerning the Depoſing of *Benedict*.
10. A Proceſſion on *Corpus Chriſti* Day.
12. DIVERS Aſſemblies of the Nations in Preſence of the Emperor, to procure the Reformation of the Church before the Election of another Pope.
16. DISPUTES upon that Head.
17. OTHER Aſſembles of the Nations on the ſame Head.
18. SESSION the THIRTY-FIFTH. The *Caſtillians* are united to the Council.

27. A

27. A DISCOURSE of *Stephen* of *Prague*, urging the Reformation of the Church

28. THE Emperor is preſs'd to oblige the Council to grant a Decree for the Method of electing a Pope.

## M.CCCCXVII. JULY.

2. AT the Sollicitation of the Cardinals, publick Prayers are order'd for the Election of a new Pope. This was perform'd the following Days.

9. *VINCENT Ferrier* is invited to the Council to detach him from the Sect of *Flagellants*.

11. UPON the Complaints of the Cardinals, the Emperor publiſhes an Edict for the Safety and Freedom of the Council.

18. THE moderate Advice of *Gerſon* concerning the Sect of the *Flagellants*.

21. SESSION the THIRTY-SIXTH. *Benedict* is ſummon'd to hear his Sentence.

26. SESSION the THIRTY-SEVENTH. He is depos'd, and the ſame is made publick.

28. SESSION the THIRTY-EIGHTH, concerning the Union of the *Caſtillians* and *Arragoneſe*, and the Affair of the Biſhop of *Strasbourg*. The Emperor grants ſome Privileges to the City of *Brunſwick*.

31. THE Town-Houſe of *Conſtance* is appointed for the Meeting of the Conclave to chuſe a Pope.

## M.CCCCXVII. AUGUST.

3. THE Commiſſion is renew'd for the Reformation of the Church.

4. A SERMON upon that Subject. The Cardinals proteſt againſt the Deſign of reforming the Church before the Election of a Pope.

5. INTRIGUES of the Cardinals to compaſs their Aim in that Reſpect.

9. THE ſlow Proceedings of the Deputies for the Reformation of the Church.

11. THE Cardinals bring over the *Spaniards* and ſeveral Members of the *French* Nation to their Party.

14. DIVERS Aſſemblies of the Reformers.

16. THE Archbiſhop of *Genoa*'s Diſcourſe to the Emperor to ſupport him in his Deſign of compleating the Work of the Reformation before the Election of a Pope.

19. SEVERAL Diſcourſes with the ſame View.

20. *GERSON*'s Tract againſt the Communion in both Kinds.

22. A SER-

22. A SERMON to preſs the Work of Reformation.

23. AN Aſſembly of the Reformers.

24. A PROCESSION for the Election of a new Pope.

25. A MEMORIAL of the *French* againſt the Annates.

*PETER d'Ailli*'s Diſcourſe concerning the Election of a Pope and the Reformation of the Church.

28. AN Aſſembly of the States of the Empire, in Preſence of the Emperor, upon divers Civil Affairs, and particularly thoſe of the Dukes of *Bavaria*.

29. A SERMON to preſs the Reformation.

## M.CCCCXVII. SEPTEMBER.

3. THE Council writes to all Chriſtendom to notify the Depoſing of *Benedict*. The Emperor's Letter to the *Bohemians*, concerning *Huſſia*.

4. THE Death of the Biſhop of *Salisbury*.

5. THE *Germans* and the *Engliſh* are accus'd of Hereſy, by reaſon of their Inſtances for the Reformation of the Church before the Election of a Pope.

9. A DISPUTE upon this Subject between the Emperor and the Cardinals.

THE unexpected Retreat of the diſguſted Ambaſſadors of *Caſtille*. They are ſtopp'd on the Road, and by the Emperor's Order, brought back. The Cardinals alſo contrive to be gone.

10. THE Emperor forbids the Cardinals to conſult together as uſual in the Church and Epiſcopal Palace. They vainly demand Safe-Conducts. The Elector of *Brandebourg* pacifies that Affair.

11. THE Cardinals renew their Proteſts. Cardinal *Zabarella* is ſo warm upon this Occaſion that it throws him into a Fit of Sickneſs. The Emperor deſigns the arreſting of ſome of the Cardinals. The Cardinals make new Inſtances. Several of the *Italian* and *French* Prelates abandon the *Germans*.

12. THE Funeral of the Biſhop of *Salisbury*.

14. THE Defence of the *Germans* againſt the Charge of Hereſy.

16. THE *Engliſh* join the Cardinals Party.

20. THE Archbiſhop of *Riga* and the Biſhop of *Coire* being gain'd by the Cardinals, engage the Emperor to conſent to the Election of a Pope.

23. A GENERAL Congregation to pacify ſome Diſputes among the Nations, with reſpect to the Suffragans.

26. THE Death of the Cardinal *Zabarella*.

27. HIS Funeral.

## M.CCCCXVII. OCTOBER.

2. *ZABARELLA*'s Funeral Oration.

3. A SERMON concerning the Reformation.

5. THE Emperor and the *German* Nation demand that the Reformation be made immediately after the Election of a Pope.

9. SESSION the THIRTY-NINTH. Some Articles of the Reformation are publiſh'd.

13. SEVERAL Aſſemblies for concerting the Decrees concerning the making of the Reformation immediately after the Election of a Pope.

18. THE Death of *Gregory* XII.

19. AN Aſſembly of the States upon the Diſputes among the Dukes of *Bavaria*. *Henry*, Duke of that Name, attacks and wounds *Lewis*, Duke of the ſame Name. *Henry* flies and is purſued, but in vain.

20. THE Emperor grants certain Privileges to the City of *Conſtance*.

22. THE Biſhop of *Wincheſter* comes to *Conſtance* in his Pilgrimage to *Jeruſalem*, and accommodates the Diſputes between the Emperor and the Cardinals.

23. FREQUENT Aſſemblies about the Choice of a Pope, and the Reformation of the Church.

26. OTHER Aſſemblies concerning the Election, and the Electors of a Pope.

28. THE Deputies of the Nations are join'd to the Cardinals for the Election of a Pope.

30. SESSION the FORTIETH, in which 'tis reſolv'd that the Pope elected ſhall reform the Church before the Concluſion of the Council. Some of the Articles of the Reformation publiſh'd.

## M.CCCCXVII. NOVEMBER.

2. THE Town-houſe is choſe for the Conclave.

6. THE Deputies of the Nations meet on the Affair of *Strasbourg*.

7. THE Emperor cauſes Proclamation to be made that no Foreigners nor Townſmen go near the Conclave.

8. SESSION the FORTY-FIRST. Every Thing is made ready for the Electors Entrance into the Conclave. The Biſhop of *Lodi* makes a Diſcourſe, wherein he gives the Character of a good Pope. The Electors enter the Conclave.

9. THEY proceed to the Election.

10. A PROCESSION of the Conclave to obtain a happy Election, which for two Days meets with very great Difficulties.

11. THE

11. THE Feſtival of St. *Martin*. *Otho de Colonna* is choſe Pope, by the Name of *Martin* V. The Emperor enters the Conclave with the great Noblemen to do Homage to the Pope, who is conducted with Ceremony to the Cathedral; and as he goes thither, *Lewis* of *Bavaria* implores the Pope's Juſtice againſt *Henry* of *Bavaria*, his Couſin, who had wounded him.

12. *MARTIN* V. is made a Deacon. The Biſhop of *Oſtia* draws up the Rules of the Pope's Chancery, but does not publiſh them.

13. *MARTIN* V. is ordain'd a Prieſt.

14. HE is conſecrated a Biſhop.

15. ALL the Clergy promiſe Obedience to the Pope in the Cathedral.

16. THE Emperor, the Electors, the Princes, and all the Nobility do the ſame.

18. As do alſo the ſeveral Religious Orders.

20. ALL Things are prepared for the Conſecration of the Pope.

21. HE is conſecrated and crown'd. He gives the *Jews* his Benediction. He grants the Abbats the Privilege of wearing the Mitre upon St. *Martin*'s Day. The Arrival of the Ambaſſadors from the Queen of *Naples*.

22. THE Nations earneſtly demand a Reformation, but eſpecially the *Germans*.

25. *MARTIN* V. ſends to the Duke of *Auſtria* to negotiate his Peace with the Emperor.

26. THE Obſequies of *Gregory* XII.

30. THE Pope holds his firſt publick Conſiſtory, concerning the Affair of the Dukes of *Bavaria*, and the Biſhop of *Strasbourg*.

## M.CCCCXVII. DECEMBER.

1. A TOURNAMENT.

7. A BENEDICTIN aſſaſſinated at *Conſtance*.

8. THE Anſwer of *Maurice* to *Jacobel* concerning the Communion in both Kinds.

9. THE Aſſaſſin puniſh'd with Death.

17. *MARTIN* V. grants Privileges and Indulgences to ſeveral Perſons.

18. *MARTIN* ſwears to the Profeſſion made by *Boniface* VIII.

24. THE Queſtion is debated, whether Monks ought to enjoy Temporal Eſtates.

25. THE Pope's ſolemn Maſs.

28. SESSION the FORTY-SECOND. *Balthaſar* is deliver'd over to the Cuſtody of *Martin* V.

30. THE Death of the Emperor's Chancellor.

## M.CCCCXVIII. JANUARY.

1. A CONSUL of *Conſtance* is by the Emperor created a Knight.
4. THE *Germans* preſent a Memorial to the Pope, concerning the Reformation.
12. THE *French* deſire the Pope may be preſs'd to reform the Church. The Emperor's Anſwer.
15. THE *Spaniards* preſs for a Reformation with their Tongues and Pens, and attack Simony by Satirical Writings.
17. THE Emperor confirms the Reformation of the *Benedictins*.
24. THE Pope and Cardinals acknowledge the Emperor in a General Congregation.
26. THE Pope grants the Emperor the Tenths of the Eccleſiaſtical Livings in *Germany*, to indemnify him for his Expences.
29. THE Pope preſents the Nations a Plan for Reformation.
31. AUDIENCE is granted to two Cardinals of *Benedict* XIII.

## M.CCCCXVIII. FEBRUARY.

2. A SPEECH concerning the Reformation of the Church.
7. AN Aſſembly of the States of the Empire, in which the Elector of *Brandebourg* preſides, againſt *Frederick* of *Auſtria*.
11. THE Emperor ſends to *Milan* to negotiate an Accommodation with the Duke of that Name.
14. THE Emperor ſends to *Baſil* to treat about ſome Territories of the Duke of *Auſtria*.
16. TO *Mentz* for the ſame Occaſion.
18. TO *Spain*, to oblige *Peter de Luna* to abdicate.
19. THE Arrival of a *Greek* Embaſſy at the Council.
THE *Arragoneſe* ſollicite the Pope, in favour of the King their Maſter.
20. *MARTIN* V's Concordate with the *Germans*, *French* and *Engliſh*.
THE Affair of *John Petit* and of *John de Falkenberg* ſlubber'd over by the Cardinals.
21. THE *French* and *Poles* complain of it. Twenty-four Articles againſt the *Huſſ...*
22. *MARTIN* V's Bulls againſt them.
24. *SIGISMOND* ſets out for *Baſil*, but returns back the ſame Way he went.
26. THE *Poles* appeal from the Pope to the next Council.

## M.CCCCXVIII. MARCH.

6. *MARTIN* V. gives the Emperor the Golden Roſe.

12. *GERSON* maintains the Lawfulneſs of appealing from the Pope's Sentences.

21. SESSION the FORTY-THIRD, in which ſome Decrees are publiſh'd touching the Reformation of the Church.

25. A DISCOURSE upon our Saviour's Paſſion.

26. THE Arrival of ſeveral Princes.

28. AMBASSADORS arrive from *Venice* and *Genoa*, to treat with *Sigiſmond*.

## M.CCCCXVIII. APRIL.

2. THE Pope ſends Legates to *England* and *France*.

3. *GRABON*'s Opinion of the Monaſtick State is condemn'd, and he retracts it.

9. THE Celebration of the Marriage of *Lewis* the Duke *de Brieg* with the Daughter of the Elector of *Brandebourg*.

12. THEY treat of the Reconciliation between *Frederick* of *Auſtria* and the Emperor.

13. THE Recantation of ſome *Huſſites*.

15. *MARTIN*'s Concordates with the Nations are regiſter'd in the Chancery.

19. SESSION the FORTY-FOURTH, in which Regulations are concerted for the next Seſſion.

22. SESSION the FORTY-FIFTH, wherein the Council is diſſolv'd, to the Diſſatisfaction of the *Poles*.

25. THEY continue to treat of the Reconciliation of *Frederick* of *Auſtria*, and the Emperor.

28. THE Emperor goes to *Zurich*.

29. THE Death of the Count *de Schwartzenbourg*. The Pope gives Notice of his intended Departure.

30. THE Emperor returns from *Zurich*.

## M.CCCCXVIII. MAY.

2. *MARTIN* V's Concordates with the Nations are publiſh'd The Pope appoints Commiſſioners to order the raiſing of the Tenths granted to the Emperor.

4. THE Pope takes a Reſolution to ſet out againſt the Emperor's Will.

7. *FREDERICK* of *Auſtria* is reſtor'd to the Emperor's Favour.

8. THE

8. THE Excommunication of that Duke is taken off.

10. THE Pope grants Pardons and Privileges. A Proceſſion for the Separation of the Council.

14. THE Emperor ſettles his Accompts with the Magiſtrates of *Conſtance*.

15. THE Pope celebrates his laſt Maſs in that City.

16. HIS Departure.

17. THE Departure of the *Poles*. *Gerſon* retires into voluntary Exile.

19. THE Elector of *Brandebourg* retires from *Conſtance*. The Emperor goes to *Baſil*, to treat with the Dukes of *Burgundy* and *Savoy*, about Affairs of Importance.

20. THE Emperor's Departure.

*The End of the JOURNAL of the* Council *of* CONSTANCE.

CONSTI-

# CONSTITUTIO CLEMENTIS VI.

## Super modo & forma tenendis ſuper victualibus Cardinalium in Conclavi exiſtentium.

*Apud Vonder Hardt*, T. IV. p. 1463. (1)

*In MSC. Vind. Hist. Imper. & Lat.*

CLEMENS Epiſcopus, Servus ſervorum Dei, ad perpetuam rei memoriam. Licet in Conſtitutione, à felicis recordationis Gregorio, Papa X. Prædeceſſore noſtro, ſuper electione Romani Pontificis edita in Concilio Ludunenſi, quæ incipit, *Ubi majus periculum*, inter cetera caveatur expreſſè, quod, ſi eundem Pontificem in Civitate, in qua cum ſua Curia reſidebit, diem claudere contingat extremum, Cardinales in Palatio, in quo idem Pontifex habitabat, omnes convenient, & in eo ſinguli ſingulis tantummodo, niſi illi, quibus ex patenti neceſſitate duo permittuntur haberi, contenti ſervientibus, Clericis vel Laicis, prout elegerunt unum conclave, nullo intermedio pariete, vel alio velamine, inhabitent in communi: Et quod diebus certis, non facta proviſione de Palatio, decurſis, panis, vinum & aqua tantummodo eiſdem Cardinalibus, donec fuerit aliter provisum, miniſtretur. Quia tamen, ſecuta recenti multorum aſſertione, & Cardinalium conſtituti per ſe ipſos, nonnulli ex Cardinalibus ipſis in obſervatione Conſtitutionis ipſius gravati alias nimium exiſtimarunt, multique ex ipſis duos in dicto conclavi habuerunt ſervientes, non abſque ſcrupulo conſcientiæ, propter illius ſuperius dictorum verborum, videlicet, *Quibus ex patenti neceſſitate duo permittuntur haberi* in dicta Conſtitutione, ut præmittitur, contentorum: Nos providere ſuper his cupientes, ex his & aliis cauſis rationalibus, quæ noſtrum ad id animum induxerunt, Rigorem Conſtitutionis ipſius, & etiam ad Fratrum noſtrorum ſupplicationem in his providimus temperandum, auctoritate Apoſtolica ſtatuentes, quod Cardinales, poſtquam conclave hujuſmodi, ſeu clauſuram pro dicta celebranda electione intraverint, ſinguli duos ſervientes, Clericos vel Laicos, prout duxerint eligendos: Ac inſuper ſingulis diebus, præter panem, vinum & aquam, in prandio unum, in cœna unum dumtaxat ferculum carnium unius ſpeciei tantummodo, aut piſcium, ſeu ovorum, cum uno potagio de carnibus vel piſcibus, principaliter non confectis, & decentibus ſalſamentis, habere valeant, ultra carnes ſalitas, vel herbas crudas, ac caſeum, fructus ſive electuaria. Ex quibus tamen nullum ſpecialiter ferculum conficiatur, niſi ad condimentum fieret, vel ſaporem. Nullus verò eorum de alterius ferculo veſci poſſit. Liceat etiam eis ex decentia honeſtatis habere in clauſula hujuſmodi, cum in lectis cauſa quieſcendi vel dormiendi eſſe voluerint, dumtaxat intermedia ſeu velamina ſimplicium ſolummodo cortinarum prædicta; Et felicis recordationis Clementis, Papæ V. Prædeceſſoris noſtri, & aliis Conſtitutionibus Apoſtolicis contrariis, quibus per hoc in aliis derogari nolumus, non obſtantibus quibuſcunque. Nulli ergo omnino hominum liceat hanc pagi-

nam noſtræ Conſtitutionis & voluntatis infringere, vel ei auſu temerario contraire. Si quis autem hoc attentare præſumſerit, indignationem omnipotentis Dei, & beatorum Petri & Pauli, Apoſtolorum ejus, ſe noverit incurſurum. Datum *Avinioni*, XIII. Idus Decemb. Pontificatus noſtri anno X. *In M S C. Lip.*

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# CAPITULA JURANDA

## Per Electores Romani Pontificis & Cuſtodes Conclavis.

### *Per Archi-Epiſcopum Mediolanenſem lecta.*

(:) Apud Vonder Hardt, T. IV. p. 1465.

*In M S C. Bonav. Lipſ. & Colb.*

ISTA ſunt, quæ Electores Romani Pontificis in Concilio generali Conſtantienſi, obſervare, & Cuſtodes jurari facere & obſervari, tenentur. Et ad quæ & non ultra compelli poſſunt per Cuſtodes Conclavis.

*Primo*, Quod infra decem dies à die jam lati per Concilium, decreti intrent Conclave, videlicet hodie die Lunæ, octava menſis Novembris, infra occaſum Solis.

*Secundo*, Quod quilibet non habeat ultra duos ſervitores, Clericos vel Laicos, quos duxerit eligendos. Et ſimpliciter permittitur, duos habere, per Conſtitutionem Clementis VI. Licet in Conſtitutione, *Ubi majus*, non licet habere duos, niſi ex patenti neceſſitate.

*Tertio*, Quod in Conclavi ſimul inhabitent, nullo medio pariete, vel alio velamine, niſi quando dormient, aut quieſcent. Et tunc liceat habere intermedia, ſeu velamina, dumtaxat ſimplicium cortinarum, quæ cortinæ conceduntur per dictam Conſtitutionem Clementis VI.

*Quarto*, Quod ita claudatur Conclave, reſervato aditu ad ſecretam Cameram, quod nullus, poſtquam in Conclavi (incluſi) fuerit, intrare valeat vel exire. Nullus ad eoſdem Electores aditus pateat, vel facultas ſecreta (ſecrete) loquendi aliquem cum eis, nec ipſi aliquos ad ſe venientes admittant, niſi de conſenſu omnium aliqui pro his, qui ad electionem pertinent, vocarentur.

*Quinto*, Quòd nulli liceat ad ipſos Electores nuncium mittere vel ſcripturam.

*Sextò*, Quod in ipſo Conclavi competens ſit feneſtra, per quam Electoribus & ſervitoribus vitæ neceſſaria miniſtrentur, per quam tamen nulli poſſit patere acceſſus.

*Septimo*, Quod in ſingulis diebus, poſtquam Conclave intraverint, præter panem, vinum & aquam, in prandio unum, & in cœna unum dumtaxat ferculum carnium unius ſpeciei tantummodo, aut piſcium aut ovorum cum uno potagio de carnibus vel piſcibus, principaliter non confectum, & decentibus ſalſamentis, habere valeant, ultra carnes ſalitas & herbas crudas, ac caſeum, fructus, ſive electuaria. Ex quibus tamen nullum ſpecialiter ferculum conficiatur, niſi ad condimentum fieret vel ſaporem.

Et in iſtis cibis reſtringetur per Clementem VI. Conſtitutio, *Ubi majus periculum*, pro primis tribus diebus, quibus nulla ciborum erat limitatio, & pro ſequentibus moderatur.

*Octavo*, Quod videtur eſſe (in Lipſ. *eſt*) de mente Conſtitutionis, *Ubi majus*, (per Clem. *Ne Romani*) quod nullus intrare compellitur Conclave, niſi omnes recuſarent, quia tunc cogendi ſunt.

*Nono*, Quod volentibus exire permittitur. Sed ſi omnes exirent, Papâ non electo, reintrare compelluntur niſi quos excuſat infirmitas. Sed qui ſine cauſa infirmitatis exiverit, amplius non admittitur niſi omnes, ut præmittitur, exirent.

*Decimo*, Quod exiens pro cauſa infirmitatis, ac etiam abſentes, ſi ſupervenerint, re integra, videlicet antequam de Papa ſit proviſum, admittantur in Conclave, in ſtatu, in quo erit electionis negotium.

CUSTODES Conclavis jurent, quod præmiſſa omnia, ſine fraude, & dolo, inviolabiliter faciant obſervari, neque Cardinales & alios Electores ultra præmiſſa coarctabunt, nec permittent per alios coarctari.

SEQUENTIA Capitula, cum juramentis præſtitis, in Lipſ. M S C. breviter.

ITEM, Quod eadem die omnes Cuſtodes, & maxime, qui *addentur* ultra illos, quibus de jure competit, nominatim deputentur per Concilium, & *jurent* præmiſſa. Item videtur, quod, ſi Dominus *Rex eſt* præſens, debeat pro ſuæ Majeſtatis reverentia, ab eo, ſedente in ſede ſua, per duos Cardinales recipi *juramentum*, &c.

# MARTINI V. PAPÆ

In Conſtantienſi Concilio A. 1417. d. 11. Nov.
Martini die electi

# REGULÆ CANCELLARIÆ,

*Altero ſtatim poſt Electionem die, np.* 12. *Nov.*

A JOANNE OSTIENSI,

Cardinale & Vice-Cancellario,

*More conſucto in Concilio conſcriptæ, & A.* 1418. *d.* 26. *Febr. ibidem publicatæ.*

Ex antiquiſſimis Codicibus MS Ctis.

VINDOBONENSIBUS AC LIPSIENSIBUS.

*Apud Vonder Hardt*, T. I. p. 965. (3)

AD illius, cujus perfecta ſunt Opera, & à quo ejus in terra Vicario omnis perſpicitur collata poteſtas, laudem & gloriam; Apoſtolicæ Sedis, ipſi imperante Vicario, laudabile regimen: Agendorum quorumlibet normam regiam: Ac juge proſperitatis publicæ fomentum.

SEQUUNTUR *Ordinationes* ſive *Regulæ*, per ſanctiſſimum in Chriſto Patrem & Dominum noſtrum, Dominum MARTINUM, divina providentia PAPAM QUINTUM, anno Domini MCCCCXVII *die* XII. *Novembris*, *in craſtinum ſuæ aſſumtionis ad ſummi Apoſtolatus apicem, & ante ſuæ Coronationis ſolennia* factæ & editæ.

*An.* 1417. *d.* 11. *Nov. Martinus V. electus Papa. d.* 12. *Nov. regulæ hæ Cancellariæ factæ, ante ejus Coronationem, ab Oſtienſi, Cardinale, Vice Cancellario. A.* 14. *d.* 28. *Febr.*

QUAS *ſuo dumtaxat tempore durare* voluit. Quaſque poſtmodum Ego JOANNES OSTIENSIS EPISCOPUS, *ſanctæ Romanæ Eccleſiæ* VICE-CANCELLARIUS, & CARDINALIS VIVARIENSIS nuncupatus, de ipſius Domini noſtri mandato tam in *Cancellaria Apoſtolica*, quam dictæ *Sedis audientia publica*, publicari mandavi atque feci ſolenniter, ut eſt moris, *die Sabbathi XXVI Februarii*, Pontificatus ſui anno primo.

*publicatæ hæ regulæ. Reſervationes Martini V. ſimiles Antecеſſorum referta ſuis.*

INPRIMIS etiam nonnullorum ſuorum *Prædeceſſorum*, donec ſuper his aliud ordinandum duxerit, *inhærendo veſtigiis*, *Reſervationes* fecit, illis ſimiles, quæ in Conſtitutione felicis recordationis *Benedicti Papæ XII*, Prædeceſſoris ſui, quæ incipit; *Ad Regimen*, continentur, ubicunque Prelaturæ, Dignitates, & Beneficia, ibidem comprehenſa, *vacaverint*.

ITEM declaravit, quæcunque & qualiacunque, Canonicatus, Præbendas, Priorarus & Præpoſituras, Dignitates, Perſonatus, Officia & alia Beneficia Eccleſiaſtica, ſecularia & regularia, cum cura, vel ſine cura, in *Balthaſaris*, *Joannis XXIII*, *Petri de Luna*, *Benedicti XIII*, *& Angeli de Corario*, *Gregorii XII.* olim nuncupatorum,

obee

obedientiis, per contendentes de Papatu inibi *reservata*: Et etiam, quæ dictus *Petrus*, tempore, quo de hujusmodi Papatu contendere inciperet, obtinebat: Quæ videlicet tempore ac occasione subtractionis obedientiarum earumdem, ipsis *Balthasari*, *Petro* & *Angelo*, *Generali Constantiensi vigente Concilio*, factæ, vacabant: Remansisse & remanere per hujusmodi reservationem & decretum effecta: Nullum de illis, sive etiam Cathedralibus Ecclesiis vel Monasteriis, eorundem contendentium ordinationi & dispositioni reservatis, & tempore & occasione subtractionis hujusmodi vacantibus, præter Romanum Pontificem ea vice potuisse sive posse disponere, vel se intromittere quoquo modo. Ac decrevit irritum, &c.

*Reservationes generales Martini V. pro dignitatibus majoribus Cardinalium.*

ITEM prædicta die *reservavit generaliter* dispositioni suæ omnes Dignitates majores in Cathedralibus post Pontificales, & principales in Collegiatis Ecclesiis, ac Prioratus & Præposituras conventuales, nec non præceptorias generales ordinum quorumcunque, & quæcunque Beneficia, quæ *sui* & sanctæ Romanæ Ecclesiæ *Cardinalium familiares*, continui commensales, obtinent, & in posterum obtinebunt.

ITEM eadem die *reservavit generaliter* dispositioni suæ quoscunque Canonicatus & Præbendas, ac Dignitates, Personatus & Officia, ceteraque Beneficia Ecclesiastica, cum cura vel sine cura, *in Basilica principis Apostolorum*, nec non sancti *Joannis Lateranensis* ac *B. Mariæ majoris de Urbe* Ecclesiis, tum *vacantia*, & in antea *vacatura*.

*Reservationes Ecclesiarum Urbis Romæ.*

*Legati Pontificis excludentur a dispositione Sedis Apostolicæ quamvis reservationum papalium.*

ITEM eadem die declaravit, quoscunque, etiam *de latere*, *Apostolicæ Sedis Legatos*, quamvis etiam hactenus super hoc auctoritate prædicta sive facultate munitos, post hujusmodi ejus assumtionem non potuisse, sive in ante posse disponere quomodolibet de Beneficiis dispositioni Apostolicæ generaliter reservatis: Decernens irritum, &c.

ITEM eadem die *revocavit* omnes uniones, quacunque auctoritate factas, quæ nondum suum sortitæ fuerint effectum.

## CIRCA EXPEDITIONEM LITERARUM.

*Regulæ Cancellariæ Pontificum ante Martinum confirmatæ.*

IN primis voluit & ordinavit Dominus noster, quod omnes & singulæ *Joannis XXIII*, *Benedicti XII*, *Clementis VI*, *Innocentii VI*, *Urbani V*, & *Gregorii XI*, Prædecessorum suorum, Ordinationes & Regulæ, in Cancellaria Apostolica, salvis infra scriptis, firmiter observentur.

## DE EXPECTATIVIS.

*De expectativis gratiis.*

ITEM voluit & ordinavit, quod per signaturam quamcunque, in Rotulis super *expectativis gratiis* generaliter pro tempore factam super quibusvis petitionibus inibi contentis, nisi seorsim sufficienter signatæ appareant, Literæ alias quàm super hujusmodi expectativis nullatenus expediantur.

*Expectativarum exceptiones.*

ITEM voluit & ordinavit, quod in quibuslibet expectativis gratiis Dignitates in Cathedralibus majores post Pontificales, & in Collegiatis Ecclesiis principales, ac in regularibus Prioratus, & Dignitates conventuales, & præceptoriæ generales, semper *excipiantur*: Non obstante quacunque signatura, etiam *motu proprio* facta: Nisi specialiter in ea de majori dignitate, vel principali aut conventuali vel generali concederetur.

ITEM voluit & ordinavit, quod, salvis regulis infra scriptis, per quamcunque signaturam, gratiæ expectativæ in rotulo vel extra appositum, etiam pro quocunque, ad unum dumtaxat beneficium, & unicam collationem, vel de Canonicatu sub expecta-

tione Præbendæ alicujus Eccleſiæ, etiam ſi petatur, Literæ concedantur. Sed *pro idoneis*, ut infra, poterit addi de dignitate, perſonatu, adminiſtratione vel officio Eccleſiæ, in qua petet de hujuſmodi Canonicatu, cum expectatione Præbendæ. *In Italia* tamen petentibus duo dentur beneficia & totidem collationes, etiamſi unum illorum dumtaxat Canonicatus & Præbenda Eccleſiæ cathedralis exiſtat. Verum ubicunque petens *ad beneficia* ſimpliciter, ut ſupra *idoneus*, habeat, etiamſi Canonicatus & Præbenda, dignitas, perſonatus, adminiſtratio vel officium, in cathedrali, etiam metropolitana, aut collegiata Eccleſia. Aliis autem detur, etiamſi in Eccleſia cathedrali, ac Canonicatus & Præbenda alterius, quàm ipſius cathedralis Eccleſiæ, ſeu officium, ubicunque fuerit. Et omnibus iſtis in qualibet Eccleſiarum prædictarum Canonicatus & præbenda cum Præſtimoniis & præſtimonialibus portionibus, nec non oblegiis, abditamentis, ferculis, ſupplementis, & ſimilibus, unius tantum ipſius Eccleſiæ Canonicatus quomodolibet vacantis vel vacaturi. Quorum fructus, ſi impetrans *Doctor* vel *Licentiatus* in aliquo jurium, cum rigore examinis, aut *in Theologia* ſaltem *formatus Baccalaureus* fuerit, LX. aliàs XXX, librarum Turonenſium parvorum, vel tantundem in alia moneta, ſecundum taxationem decimæ non excedant, pro uno beneficio veniant, ſi ad hoc petitiones eorum ſe extendant.

*Idoneorum potior habenda ratio in ſacris Beneficiis conferendis. In Italia.*

*De taxa beneficiorum ſacrorum erudit. conferendum.*

ITEM voluit & ordinavit, quod, ubicunque Literæ expediantur in expectativis pro *Magiſtris*, *Licentiatis*, *Baccalaureis formatis in Theologia*, & *Doctoribus in Jure canonico vel civili*, tam ſecularibus quam regularibus, *ad unum beneficium* tantùm, cujuſcuno; taxæ fuerit, vel de Canonicatu ſub expectatione Præbendæ ac dignitatis, perſonatus adminiſtrationis vel officii, &c. ut ſupra, collegiatæ vel cathedralis Eccleſiæ, ſi petatur: Si vero ſignatura ſuffragetur eis *ad duo vel plura*, detur taxa in univerſo ad C. & L. libras Turonenſium parvorum, vel tantundem in alia moneta, ſecundum taxationem decimæ.

ITEM *in partibus Gallicanis* ac per totam *Hiſpaniam*, ſive ſignatura ad unum ſive ad plura beneficia ſe extendat, detur *Magiſtris in Medicina*, & *in Jure Canonico vel Civili Licentiatis* cum rigore examinis; in beneficiis ſecularibus, in locis, in quibus antiqua *taxatio* decimæ ad illius medietatem eſt *reducta*, ſi cum cura, LXXX, ſi ſine cura, LX. Ubi verò *reductio* non eſt, ſi cum cura, C. & XX, ſi vero ſine cura fuerit, LXXX librarum Turonenſium parvorum, ſecundum taxationem ante dictam.

*In Gallia, & Hiſpania.*

ITEM, quod in *Theologia non formati*, *aut in Jure canonico vel civili Baccalaurei*, nec non *in Medicina*, ac *ſine rigore examinis in aliquo Jure Licentiati*, & *in Artibus Magiſtri*, habeant in locis, in quibus eſt antiquæ taxationis reductio, ſi cum cura, LX, & ſine cura, XL. In aliis autem, ſi cum cura, C, & ſi ſine cura fuerit, LXX. librarum Turonenſium prædictorum, ſecundum taxationem ante dictam.

ITEM ceteri *ſeculares* habeant in locis reductionem habentibus, de qua ſupra. ſi cum cura, XL, ſi ſine cura, XXX. Et *in aliis*, ſi cum cura, LX, ſi ſine cura fuerit, XL. librarum Turonenſium ſimilium.

ITEM *regulares non graduati*, ut ſupra, habeant in locis cum reductione præmiſſa, LX. & in aliis, LXXX librarum Turonenſium ſimilium, ſecundum taxationem ante dictam.

ITEM *ſeculares non graduati* taxam habeant in *Alemania*, *Scotia*, & *in Hibernia*, ſi cum cura, XXV, & ſi ſine cura, XVIII. *In Anglia* vero, ſi cum cura, XL, & ſi ſine cura, XXX. Regulares autem XXX marcarum.

ITEM *in Italia* dentur, ſi cum cura, LX, & ſi ſine cura, XL florenorum auri, ſecundum taxationem prælibatam.

ITEM *in forma pauperum* detur *in locis Gallicanis* cum reductione præſcripta, ſi cum cura, XXV, & ſi ſine cura, XV. Et *in aliis locis*, ſi cum cura, L, & ſine cura, XXX. Et *in Hiſpaniis & Arragonia*, ſi cum cura, XL. & ſi ſine cura, XXV librarum Turonenſium parvorum. *In Alemania*, ſi cum cura, XXV, & ſi ſine cura XV. *In Anglia* verò, ſi cum cura, XXX, & ſi ſine cura, XX marcarum. *In Italia* verò, ſi cum cura, XXX, & ſi ſine cura, XXV florenorum aureorum.

ITEM voluit & ordinavit, quod *in partibus Gallicanis* in expectativis nulli detur ad Canonicatus & Præbendas Eccleſiarum cathedralium: *Magiſtris in Theologia, Doctoribus & Licentiatis* cum rigore examinis *in Jure Canonico vel Civili, Magiſtris in Medicina, Licentiatis & Baccalaureis in Theologia, Magiſteriis in Artibus*, qui per ſeptennium poſt Magiſterium in Artibus rexerint, vel in Theologia tamdiu ſtuduerint, Apoſtolicæ Sedis Officialibus, apud eandem Sedem ſuis officiis actu pro tempore inſiſtentibus, Domini noſtri Papæ, Cardinalium, Imperatoris, Regum & Ducum nepotibus & conſanguineis ac nobilibus, dumtaxat *exceptis*. Aliis verò hujuſmodi Canonicatus & Præbendas petentibus detur de beneficio, cum cura vel ſine cura, *prout capaces fuerint*, etiamſi Canonicatus & Præbenda alterius quam cathedralis Eccleſiæ exiſtat, ad intentionem, utpote Archi-Epiſcopi, Epiſcopi & Capituli ſingulorumque Canonicorum & perſonarum, etiam dignitates obtinentium Eccleſiæ, in qua ad Præbendas petebant ſe admitti.

*De ſubſtitutione beneficiorum promiſſorum.*

ITEM voluit & ordinavit, quod *nullus* in rotulis gratiarum expectativarum, datas ordinatas habentibus, *poſſit aliquem ponere loco ſui.*

*Petitio non fiat disjunctive.*

ITEM, quod *petenti* ad cujuſcunq; ſeu quorumcunque collationem, vel ad plures collationes aut Eccleſias *disjunctive*, detur duntaxat una collatio, vel Eccleſia ex petitis, talis videlicet, qualem verò ſimiliter habuiſſet, ſi eam in ſua petitione ſpecificaſſet. Voluit autem, quod ſi plures perſonæ gratiis expectativas in eadem ſupplicatione petierint, Literæ pro primo dumtaxat expediantur, alii careant omnino petitis.

*Si plures eadem epiſtola petant beneficium.*

*De Canonicatibus quarumdam Eccleſiarum Gallicanarum.*

ITEM voluit & ordinavit, quod *in Pariſienſi, Rothomagenſi, Tornacenſi, Cameracenſi, Bajocenſi, Narbonenſi, Remenſi, Ambianenſi & Leodienſi*, Eccleſiis, nulli detur ad Canonicatus, & Præbendam ex rotulis expectativis quibuſlibet: In *Theologia & Medicina Magiſtris & Doctoribus, cum rigore examinis in aliquo Jure Licentiatis*, fratribus, nepotibus, & conſanguineis germanis Dominorum Cardinalium, & Magiſtris nobilibus ac Officialibus dumtaxat Sedis Apoſtolicæ, exceptis.

ITEM voluit & ordinavit, quod per quamcunque ſignaturam, *clauſula, etiamſi ſingula conferre habeant*, vel etiam ratione dignitatum, &c. quas extra eandem Eccleſiam obtineret, nullatenus in literis expectativis concedatur.

ITEM, quod *Magiſtri, Doctores, Licentiati in Jure Canonico vel Civili*, ac *Magiſtri in Medicina*, nec non *Licentiati & Baccalaurei formati in Theologia*, unà cum gratiis expectativis quibuſcunque obtentis, in rotulis vel ſupplicationibus particularibus [illegible] quæcunque *beneficia compatibilia*, quæ obtinent, retinere, dummodo fructus eorum cccc libras parvorum Turonenſium vel tantundem in alia moneta in portatis non excedant.

*De beneficiis compatibilibus.*

ITEM,

ITEM, quod *Theologia non formati & in Jure Canonico vel Civili Baccalaurei*, vel *Magistri in Artibus, & Licentiati in Medicina*, unà cum gratiis expectativis possint quæcunque *beneficia compatibilia*, quæ obtinent, *retinere*, dummodo eorum fructus, &c. cc libras, vel tantundem in alia moneta in portatis non excedant.

ITEM, quod alii *non graduati* etiam *beneficia*, quæ obtinent, *compatibilia* cum eorum gratiis expectativis *retinere* valeant, dummodo eorum fructus, &c. c libras vel tantundem in portatis non excedant.

*De cumulo beneficiorum facto-rum.*

VOLUIT tamen idem Dominus noster, quòd qui habebit *quinque beneficia vel ultra*, quòd si gratiam expectativam ad unum beneficium, aut unum beneficium vacans, vel certo modo vacaturum, seu plura impetret, quod teneatur dimittere tot beneficia, de habitis, quot beneficia assequeretur: Protonotariis, Correctore Literarum Apostolicarum, ac contradictarum, & sacri Palatii Apostolici causarum Auditoribus, & Secretariis, nec non Domino Vice-Cancellario, vel ejus locum tenente, in Camera Apostolica præsidenti assistentibus, dumtaxat *exceptis*: Etiamsi infra summas supra ordinatas comprehenderetur, nisi *in regno Siciliæ & Trinacriæ, & in provincia Beati Petri, in Thuscia & Marchia Anconitana*, ac *in Urbe* ac ejus districtu.

ITEM voluit & ordinavit, quod obtinentes beneficia Ecclesiastica quæcunque, vel *in eis jus habentes*, etiam illorum non expresso valore, possint in communi forma impetrare per petitorum assecutionem pacificam obtenta, ac jus hujusmodi realiter dimittendo.

*De valore beneficiorum facto-rum in petitionibus exprimendo.*

ITEM voluit & ordinavit, quod in gratiis beneficialibus quibuscunque, per eum quibusvis personis pro tempore faciendis, *omnium & singulorum beneficiorum*, quæ per eas, etiamsi motu proprio fiant, conceduntur, & aliis nihilominus obtentorum, & de quibus, vacantibus, vel certo modo vacaturis, impetrantibus provisum aut provideri mandatum vel concessum exstiterit, nisi ipsi impetrantes ea forsan dimittere maluerint, vel aliàs propter eorum incompatibilitatem dimittere tenerentur, *verus valor* in moneta quacunque secundum æstimationem communem exprimatur. Aliàs Literæ super gratiis hujusmodi nullatenus conficiantur. Et *sub generali clausula*, in petitionibus plerumque poni solita, non obstante gratiâ expectativâ seu dispensatione, super obtinendis incompatibilibus in Cancellaria Apostolica exprimenda in literis super hujusmodi petitionibus conficiendis, quis ultra duo beneficia pro qualibet ex gratia & dispensatione hujusmodi nequeat explicare. Quod si ad plura ipsa gratia vel dispensatio se extendat, petitiones ipsæ omni penitus careant effectu.

*Singularis consuetudo quarumdam Ecclesiarum in Præbendis non ascendi.*

ITEM voluit & ordinavit, quod si aliqui in expectativis gratiis petant, statutis & *consuetudinibus Ecclesiarum*, quibus cavetur, quod *nullus* inibi *de minoribus Præbendis ad potiores sive majores Præbendas ascendat*, derogari. Literæ cum clausula derogationis hujusmodi nullatenus expediantur, nisi eam ipsius Domini nostri Papæ signatura importet expresse, vel ad partem clausula concedatur antedicta.

## DE VACANTIIS.

*De vacantibus Officiis sacris inter petentes distribuendis.*

ITEM voluit & ordinavit, quod in gratiis beneficialibus *vacantibus* aut certo modo *vacaturis*, quibuslibet, *si plura petantur beneficia*, unum cujuscunque annui valoris per simplicem signaturam, & addito, *ut petitur*, duo vel tria & non plura petita beneficia veniant, dummodo etiam illorum fructus, &c. ultra LX. in portatis vel C libras Turonensium parvorum communi æstimatione, sive tantundem

dem in alia moneta, non valeant annuatim.

ITEM voluit & ordinavit, quod in quibuſcunque gratiis beneficialibus ſuper vacantibus nulla detur *clauſula, generalem reſervationem importans*, niſi ex primo vacantionis modo, inibi diſpoſitive narrato, aliqua talis reſervatio elici poſſit expreſſe: Sed aliàs etiam per ſimplicem ſignaturam quamcunque veniant omnes modi vacationum & per Conſtitutionem *Execrabilis*, nec non clauſulæ devolutionis & ſpecialis reſervationis, ac de lite inter alios pendente, ſi petantur, collitigantes tamen ac etiam alii petentes, ſcil. neuter in ſingulis eorum petitionibus ſuper litigioſis beneficiis quibuſlibet, de lite, cui ſe ingerere contendunt, ſufficienter faciat mentionem. Aliàs literæ ſuper petitionibus ipſis cum hujuſmodi expreſſione litis non expediantur quocunque modo. Una verò reſervationum ex hujuſmodi primo vacationis modo, ut præmittitur, elicita, reliquæ petitæ generalium reſervationum clauſulæ concedantur.

ITEM voluit & ordinavit, quod ex quibuſcunque petitionibus, ſuper novis proviſionibus, per *concepta* pro tempore ſignandum, nulla detur *clauſula, generali reſervatione, etiam in præſenti deſinitur*, aut aliis vacationum modis expreſſim quomodolibet comprehendens: Niſi per Dominum Vice-Cancellarium data reperiatur appoſita ſingulis petitionibus ante dictis.

ITEM voluit & ordinavit, quod ſuper beneficiis *de jure patronatus Laicorum* quibuſlibet, qualitercunque & ubicunque pro tempore vacantibus, Literæ Apoſtolicæ, niſi in eis, quod illa tanto tempore vacarunt, quod eorum collatio juxta Lateranenſis ſtatuta Concilii eſt legitime devoluta, vel quod ipſorum patronorum ad id accedat aſſenſus, expreſſe ponatur, *nulla tenus concedantur*, niſi ipſe Dominus noſter ſignaret, etiamſi de jure patronatus Laïcorum exiſtat.

ITEM voluit & ordinavit, quod ſi in aliqua ſupplicatione petatur beneficium, *per obitum* vel alio modo vacandi in Cancellaria Apoſtolica exprimendum, nequaquam ſuper illa, niſi petent alicui per eum, prius habito colorato titulo, immitteretur, literæ expediantur, ſed omni prorſus careant effectu.

ITEM voluit & ordinavit, quod in literis proviſionum Eccleſiarum titularium ponatur *clauſula, quod ad ipſas promoti in eis reſidere teneantur*, nec poſſint ſine ſpeciali indultu à Papa Pontificalia extra ſuas Civitates & Diœceſes exercere: Nec expediantur Literæ, niſi prius de aſſignatione proviſionis annuæ eis aliunde factæ uſque ad ſummam ducentorum florenorum auri de camera doceatur. *Officia, quibus præſentes fungi tenentur Prælati.*

ITEM, quod ſi in aliqua ſupplicatione de beneficio vacante aut certo modo vacaturo petatur *data anterior*, nullatenus ipſa veniat, quodque Literæ ſuper petitionibus, in quibus data non eſt appoſita, non expediantur, niſi ſub data diei, qua in Cancellaria ponentur.

ITEM voluit & ordinavit, quod ſi aliqui Religioſi petant aliquod *beneficium ad nutum revocabile*, cum *clauſula*, quoad exinde pro ſolo nutu Abbatis vel Superiorum non poſſit amoveri, Literæ quoad ipſam clauſulam nullatenus expediantur, niſi idem Dominus noſter ponat ſignaturam, quod non poſſint amoveri, vel ad partem clauſulam ipſam concedat. *Beneficium ad nutum revocabile.*

## DE DISPENSATIONIBUS.

ITEM voluit & ordinavit, quod per quamcunque ſignaturam petentibus ſibi qualitercunque *de beneficiis Eccleſiaſticis* etiam *cum diſpenſatione* provideri, *diſpenſatio* nulla detur, niſi per ipſam ſignaturam expreſſe conceſ- *De diſpenſationibus Papalibus in Officiis ſacris impetrandis.*

ſa appareat, vel, niſi talis fuerit gratia, quæ totaliter actum hujuſmodi diſpenſationis concerneret, vel ſine illa de aliquo operari non poſſet.

ITEM voluit & ordinavit, quod petentibus, ſecum *ſuper defectu natalium*, quem patiuntur, diſpenſari, ſi in aliqua ſint licita facultate *graduati* vel *magni nobiles*, dentur per ſimplicem ſignaturam *quatuor*, & addito, *ut petitur*, ultra petita, etiamſi Canonicatus & Præbendæ, dignitates etiam majores in cathedralibus, etiam metropolitanis, ſeu principales in collegiatis Eccleſiis fuerint. Aliis autem dentur per ſimplicem ſignaturam *duo*, & per *fiat*, ut *petitur*, ſi tot petantur, beneficia Eccleſiaſtica quæcunque, dummodo Canonicatus & Præbendæ in cathedralibus Eccleſiis, aut dignitates non exiſtant. Circa *ſpurios* tamen & *expoſitos* ac conſimiles conſulatur idem Dominus noſter, vel Vice-Cancellarius, ut major in illis *reſtrictio* ſervetur, *Clauſula non faciendæ mentionis de defectu*, non veniat, niſi ſeorſim concedatur.

*De ſpuriis & expoſitis*

*De diſpenſatione ſuper incompatibilia.*

ITEM voluit & ordinavit, quod petentibus, ſecum *ſuper obtinendis incompatibilibus diſpenſari, ſi in Theologia aut Jure Canonico vel Civili Doctores, vel cum rigore examinis Licentiati, ſeu magni nobiles* fuerint, per ſimplicem ſignaturam annus, & per *fiat, ut petitur*, biennium etiam, ad duo dumtaxat ex hujuſmodi incompatibilibus: Dummodo tamen illa in cathedralibus majores poſt Pontificales, vel Collegiatis Eccleſiis principales dignitates, ſeu Parochiales Eccleſiæ, inſimul, aut tales mixtim non fuerint, & cum poteſtate permutandi, ſi petatur. Poterit tamen Vice-Cancellarius, vel ejus Locumtenens pro tempore, circa perſonas alias in licita facultate quacunque, etiam *minus graduatas*, ſuperiorem reſtrictionem de hujuſmodi dignitatibus ac parochialibus Eccleſiis, per tales alios, ut præmittitur, inſimul retinendis, moderare, perſonarum earundem, nec non locorum penſata qualitate.

## DE BENEFICIIS PARVIS.

ITEM voluit & ordinavit, quod pro nullo, niſi ſaltem *XXII. ſuæ ætatis annum* attingat, expediantur Literæ, quod beneficium quodcunque *cum cura*, vel etiam pro *minori*, *XVII. annorum* complete, quod dignitatem vel perſonatum, etiam *ſine curæ*, valeat obtinere.

*De diſpenſatione ſuper ætate in ſacris officiis impetrandis.*

ITEM voluit & ordinavit, quod ſecum diſpenſari petentibus, ut ratione *Eccleſiaſticorum beneficiorum, curatorum*, aut aliàs ex privilegio, ſtatuto, vel conſuetudine *ſacros ordines requirentium*, ad ordines, quos hujuſmodi beneficia requirunt, vel aliquem ex illis, ſe non teneantur facere promoveri, ſi *in Romana Curia vel generali ſtudio reſidere* voluerint, per ſignaturam, ſimplicem detur quinquennium, & addito, *ut petitur, ſeptennium*. Alibi verò reſidendo, ex quacunque ſignatura quinquennium dumtaxat concedatur. Hoc tamen ſemper adjuncto, quod ſaltem infra annum, à tempore datæ diſpenſationis hujuſmodi, *in Subdiaconos ſint promoti*.

*De diſpenſatione ſuper ordinibus ſacris.*

ITEM voluit & ordinavit, quod de cetero etiam per ſignaturam quamcunque nulli, cujuſvis dignitatis, gradus, conditionis exiſtat, ut *ſuo genitori in beneficiis immediate ſuccedere*, vel in Eccleſiis, in quibus ipſe genitor beneficiatus exiſtit, beneficia obtinere valeat, Literæ quomodolibet concedantur.

*De diſpenſatione ſuper ſucceſſione in officio ſacro paterno.*

## DE FRUCTIBUS PERCIPIENDIS.

ITEM voluit & ordinavit, quod petentibus *ſibi de ſuorum beneficiorum fructibus in abſentia [illegible], ſi in Curia*

*De fructibus beneficiorum ſacrorum in abſentia percipiendis*

*Curia Romana vel in ſtudio generali*, per ſignaturam quamcunque quinquennium, & addito, *ut petitur*, ſeptennium. In altero verò beneficiorum ſuorum reſidere volenti, triennium dumtaxat concedatur.

## DE INDULGENTIIS.

*De indulgentiis.* ITEM voluit & ordinavit Dominus noſter, quod *indulgentiæ* per eum deinceps concedendæ, ſive per *fiat* concedentur, ſive per *conceſſum viſitantibus* videlicet Eccleſias vel pia loca, ſeu illis eleemoſynas etiam *adfabricam* vel aliàs, &c. porrigentibus, durent dumtaxat *per decem annos*. Et dentur ſolùm feſtivitates ſequentes: Videlicet ſeptem Domini noſtri, & quatuor beatæ Mariæ, Joannis Baptiſtæ, Sanctorum Apoſtolorum Petri & Pauli, celebritas omnium Sanctorum, nec non Sanctorum, ſub quorum vocabulo Eccleſiæ ſive loca hujuſmodi ſunt fundata, in dedicatione earundem Eccleſiarum & locorum, ac etiam octavis dictarum feſtivitatum octavas habentium. Et ponatur *clauſula*, *volumus, quod ſi alias* &c. Si tempus indulgentiarum adhuc duret, voluit, quod ſi aliqua *indulgentia pro una tantum die anni* petita fuerit, non apponantur feſta prædicta, ipſaque indulgentia in perpetuum duret.

*Ad decem annos.*

*Ad unum diem anni.*

*Pro Eccleſiis hoſpitalibus.* ITEM voluit & ordinavit, quod ſi aliquæ *indulgentiæ pro Eccleſiis hoſpitalibus* aut piis locis, ad inſtar indulgentiarum aliis Eccleſiis vel aliis locis conceſſarum petantur, ſi non plene ſpecificatæ fuerint, Literæ non expediantur ſuper illis.

ITEM voluit & ordinavit, quod in Literis Apoſtolicis ſuper indulgentiis, per ipſum deinceps concedendis perſonis viſitantibus Eccleſias, ſeu alia loca pia, vel *ad* eorum reparationem ſeu *fabricam minus porrigentibus adjutrices*, ſeu inſi pias eleemoſynas erogantibus, ſi ſupplicatio ſignata fuerit per *fiat*, ſi Eccleſia Cathedralis, vel inſignis collegiata Eccleſia Cathedralis, aut ſolenne Monaſterium fuerit, *tres*, aliquando *duo anni*, & totidem *quadragenæ*. Et ſi per *fiat*, *ut petitur*, pro cathedrali aut collegiata Eccleſia aut Monaſterio hujuſmodi, *quatuor*, aliquando *tres anni*, & totidem *quadragenæ*, licet plures petantur, per ſingulas vero *octavarum* feſtivitatum conſuetarum, & pro Capellis verò tantummodo c dies apponantur.

*De indulgentiis à Cardinalibus indultis.* ITEM voluit & ordinavit, quod deinceps aliquæ Literæ *ſuper conceſſione indulgentiarum* hujuſmodi, aut etiam *à pœna & culpa*, pro quibuſcunque perſonis, *ſub ſigillis Cardinalium* ſeu alterius cujuſcunque non expediantur. Quod ſi ſecus fiat, eo ipſo ſint *nullæ*. Et in literis Apoſtolicis ſuper illis conficiendis ponatur *clauſula jejunii*.

## DE DIVERSIS FORMIS.

*Civiles Miniſtri Principum, quibus beneficia ſacra per Papam impertiuntur, ſint non titulares, ſed vere Officiis functi.* ITEM voluit & ordinavit, quod omnes & ſingulæ beneficiales gratiæ quorumcunque, qui *Conſiliarii*, *Secretarii*, aut *familiares ac Officiarii Cardinalium*, *Regum*, *Ducum*, *Comitum*, *Principum*, ſeu aliorum quorumcunque, videlicet in petitionibus illis, pro tempore porrectis aſſeruntur, niſi *realiter* tempore datæ petitionum hujuſmodi & antea *per duos menſes integros tales exſtiterint*, nullius ſint roboris vel momenti: Et in literis, ſuper hujuſmodi petitionibus conficiendis, *de menſibus eiſdem*, ut præmittitur, mentio habeatur expreſſa.

ITEM voluit & ordinavit, quod nullus ex Dominis Sanctæ Romanæ Eccleſiæ Cardinalibus, vigore cujuſcunq; gratiæ expectativæ, etiam motu proprio, & ſub quacunque forma vel expreſſione verborum conceſſæ hactenus, vel imposterum concedendæ,

*Cardinalium licentia reſtringuntur.*

poſſit aliquam dignitatem in cathedrali poſt pontificalem majorem, vel in collegiata Eccleſia principalem ſeu parochialem Eccleſiam vel Prioratum, ſeu aliam Dignitatem conventualem, vel Præceptoriam generalem, vel Officium clauſtrale, ſeu etiam quodcunque aliud, cujus fructuum valor ad ſummam LXX librarum Turonenſium parvorum, vel alterius æquivalentis monetæ in portatis non aſcendat, beneficium Eccleſiaſticum acceptare, ſeu ſibi de illo vel alio facere provideri ; ipſæque *acceptatio & proviſio*, ſi fiant, nullius ſint momenti.

ITEM voluit & ordinavit, quod quicunque vigore gratiarum expectativarum acceptaverit quæcunque Beneficia eccleſiaſtica, ſecularia vel regularia, cum cura vel ſine cura, etiamſi Canonicatus & Præbendæ ac Dignitates, Perſonatus vel Officia ſeu Adminiſtrationes fuerint, teneantur & debeant *infrà unius menſis ſpatium*, à tempore hujuſmodi acceptationis computandum, *de* hujuſmodi *beneficiis per* eos *acceptatis*, ut præfertur, ſibi *per ſuos executores* vel ſubſecutores *facere provideri*. Alioquin lapſo dicto menſe, hujuſmodi acceptationes per eos factæ, & quæcunque inde ſecuta, quoad numerum & qualitatem beneficiorum, quæ acceptationes concernerent, vel concernere poſſent, eo ipſo ſint caſſa & irrita, nulliuſque roboris vel momenti: Et quod infra tres menſes ex tunc immediatè ſequentes teneantur hujuſmodi acceptationes & proviſiones in *loco beneficii publicare*, aliàs gratia & acceptatio & proviſio hujuſmodi ſit nulla.

*De modo beneficium Eccleſiaſticum occupandi & publicandi.*

ITEM voluit & ordinavit, quod, ſi ipſe faceret gratiam de Beneficio ſine cura, vel de Canonicatu, ſub expectatione Præbendæ alicujus Eccleſiæ, alicui conſtituto *in nono vel decimo anno ſuæ ætatis, anno tacito*, de hujuſmodi ætate gratia ipſa ſit nulla. Et idem in vacantibus vel certo modo vacaturis.

ITEM voluit & ordinavit, quod in Literis ſuper *confirmatione* cujuſcunque *unionis, compoſitionis, tranſactionis* vel alterius *contractus, clauſula, ſupplens defectum*, ſi quis in eo continetur, nullatenus concedatur, *niſi ipſi defectus eſſent in petitione ſpecialiter expreſſi*, vel illa per *fiat, ut petitur*, fuerit ſignata.

*Poſt ſchiſma in Concilio Conſtantiæ compoſitum remanſere in Eccleſia aliqui pravi mores. Clerici olim multi ambitioſi. Ars priſtina Cleri ſuperiorum imperium exercendi. Singularis character Capellani Apoſtolicæ Sedis.*

ITEM, cum, execrabili potiſſime aliàs in Dei Eccleſia extirpato ſchiſmate, pluribus, *ſolius Præſidentis oculoſtantcompoconquieſcente*, ordine turbato relictis, nonnulli *Clerici* & Eccleſiaſticæ perſonæ, *ſeculares & regulares*, etiam *mendicantium* & aliorum *Ordinum diverſorum, ſuperſtitioſitatis & ambitionis velamine devecti*, pro ſuorum ordinariorum ac ſuperiorum victima, tamen potiori calcanda ac *ſubterfugienda obedientia, in Sedis Apoſtolicæ Capellanos* recipi, ac ſuper hujuſmodi Literis ejuſdem Sedis Camerarii proceſſus, diverſas Sententias, Cenſuras Eccleſiaſticas, ſatque Pœnas continentes, fieri procurarunt: Propterea ad eorundem ſuperiorum ac ordinariorum juriſdictione prætendentes penitus ſe exemptos; Unde rerum experientia atteſtante magiſtra, *licentiæ laxato freno*, nonnulla per illorum aliquos commiſſa *exceſſus & crimina præteriere deteſtabiliter impunita:* Idem Dominus noſter, ſuper his providere intendens, voluit & ordinavit, atque decrevit, quod tales recepti hactenus, & in antea, *importunitate* forſitan *impellente*, per eum ſuis literis: etiam deſuper decernendis proceſſibus, in *ſimiles Capellanos* recipiendi, niſi *Magiſtri & Baccalaurei formati in Theologia, ſive Doctores & Licentiati in Jure Canonico vel Civili* fuerint, *adverſus quos, virtutem redimentibus ſtudiis, ſimilis ambitionis ſuſpicio non reſpondet* prætextu literarum & receptionis earundem,

*De Doctis eſt præjudicium virtutis.*

dem, ab hujuſmodi juriſdictione Superiorum & aliorum Ordinariorum prælatorum nullatenus cenſeantur exemti, ſed libere per illos juxta ſanctiones Canonicas corrigi poſſint & debeant, perinde in omnibus & per omnia, ac ſi literæ & proceſſus hujuſmodi, quorum etiam in hoc vigorem & ſubſiſtentiam protinus ademit, nullatenus emanaſſent.

*De Capellanatu Apoſtolicæ Sedis.*

ITEM voluit & ordinavit, quod gratiæ de *Capellanatu Apoſtolicæ Sedis*, quibuſcunque perſonis concedendæ, niſi conſtet, ſeu conſtare poſſit de earumdem perſonarum expreſſo conſenſu, nullius exiſtant roboris vel momenti.

*De expectandis Literis Apoſtolicis.*

ITEM, quod in quibuſcunque Literis ſuper gratiis beneficialibus in bulla per unum ex Lectoribus ſcribatur, *in plica Literæ* poſt taxam, dies *menſis* per *Calendas*, *Nonas vel Idus*, & deinde *in Regiſtro* ſcribatur dies, menſis & annus modo conſimili. Et hujuſmodi Literæ de Regiſtro tradantur parti. Et quod ſuper hoc Lectores & Regiſtratores, & eorum Clerici, *præſtent in manibus Vice-Cancellarii juramentum*. Et quod hujuſmodi ſcripturæ ſtetur, & plena fides adhibeatur in judicio, in Romana Curia & extra.

ITEM voluit & ordinavit, quod nullus vigore gratiæ expectativæ, ab ipſo impetratæ vel impetrandæ, poſſit acceptare Beneficia, diſpoſitioni ſuæ vel Sedi Apoſtolicæ quomodolibet reſervata, *etiamſi expectans habeat clauſulam in genere vel in ſpecie, quod beneficia hujuſmodi acceptare poſſit*, & de illis facere provideri, aut quid ſimile in effectu.

*De expectativis ſuper hoſpitalibus, Xenodochiis &c.*

ITEM voluit & ordinavit, quod *Literæ expectativæ ſuper hoſpitalibus, leproſoriis, Xenodochiis*, & aliis *piis locis*, quæ pro hoſpitalite tenenda ſunt fundata, de cetero nullatenus expediantur, niſi talia ſint, quæ ſuâ fundatione conſueverunt in titulum perpetui beneficii Eccleſiaſtici ſignari.

*De reſignationibus beneficiorum facerum.*

ITEM voluit & ordinavit, quaſcunque *renunciationes, reſignationes, ceſſiones & dimiſſiones*, de cetero fiendas per quoſcunque, quos ad aliquam Prælaturam promoveri vel aſſumi contigerit, de Beneficiis quibuſcunq; Eccleſiaſticis, ſecularibus & regularibus, curatis & non curatis, etiamſi Canonicatus & Præbendæ, Dignitates, Perſonatus & Officia, aut alia quæcunque & qualiacunque exiſtant, ſive ſimpliciter ſeu ex cauſa permutationis, ſeu quavis alia, in Romana Curia vel extra, in quorumcunque manibus vel alias quovis modo inter ultimam vacationem Prælaturæ hujuſmodi & diem promotionis ſeu aſſumtionis ſuæ ad eandem, cum omnibus ſecutis & ſequendis, exinde fore *nullas, invalidas & inefficaces*, nulla, invalida & inefficacia, & nullius roboris vel momenti, & pro infectis haberi.

*De reſignatione in morbo.*

ITEM, *ſi quis in infirmitate* conſtitutus *reſignaverit* aliquod beneficium, ubicunque, etiam in Romana Curia ſive extra, cauſa permutationis ſive ſimpliciter, poſtea *infra XX dies de illa infirmitate deceſſerit*, talis reſignatio non valeat, & ſit omnino irrita, cum ſecutis ex eadem. Et *tale beneficium cenſeatur vacare per obitum ipſius reſignantis.*

*Fraudes fugienda. Conſcientiæ pura ſervanda. Ambitio vitanda.*

ITEM, ut in habendis Beneficiis Eccleſiaſticis *fraudes evitentur*, ſervetur *conſcientiæ puritas, & ambitionis via ambitioſa præcludatur.*

ITEM Dominus noſter declaravit, ſtatuit, voluit & ordinavit, quod quæcunque gratiæ, de quibuſvis Beneficiis, etiam ſecularibus & regularibus, cum cura vel ſine cura, *vacantibus*, tanquam *per obitum*, quibuſvis perſonis deinceps ſub quacunque data faciendæ, niſi tempore datæ gratiarum hujuſmodi, *mentio* [illegible] expoſitarum in gratiis ipſis, de locis apud

quæ tunc vacaverint, *ad* dicti *Domini* noſtri veroſimiliter *potuerit devenire notitiam*, & quæcunque inſecuta, nullius exiſtant roboris vel momenti.

*De unionibus ac incorporationibus Eccleſiarum.*

ITEM voluit, mandavit & ordinavit, quod de cetero quibuſcunque impetrantibus aliqua *Beneficia Eccleſiaſtica uniri vel incorporari* Cathedralibus vel Collegiatis Eccleſiis ſeu Monaſteriis aut Menſis Epiſcopalibus ſeu Abbatialibus, aut quibuſcunque aliis Beneficiis, tales impetrantes *teneantur exprimere verum valorem*, ſecundum communem æſtimationem tàm *Beneficii* ſic *uniendi*, quàm etiam Eccleſiæ, Monaſterii aut Menſæ, ſeu alterius Beneficii, cui *uno* ipſa fieri debeat. Alioquin hujuſmodi veniens non valeat, & literæ ſuper eis non expediantur. Et in talibus unionibus ſemper fiat *commiſſio* ad partes, & *oneretur conſcientia illorum, quibus committeretur.* Et idem voluit obſervari: quando impetratur *Confirmatio unionis jam factæ.*

*Forum Eccleſiaſticum & Civile non confundendum.*

ITEM, cum Clerici & Eccleſiaſticæ perſonæ, ſuas *cauſas & querelas*, in his videlicet quæ *de jure & conſuetudine ad forum ſpectant Eccleſiaſticum*, eo temere derelicto, ſecularibus judiciis ſubmittere, ſeu partes ſibi adverſas ad forum de jure vetitum convenire vel trahere præſumant, gravibus proinde pœnis, tàm ſpiritualibus quàm temporalibus, etiam jure diſponente alligentur, quod tamen eorum plerique non ſine propriæ ſalutis periculo dare videntur ſæpius in contemtum: Idem Dominus noſter voluit & ordinavit, quod quicunque ex Clericis ſeu perſonis eiſdem de cetero talis præſumtionis reus exſtiterit, niſi de hoc in quibuſcunque conceſſionibus & gratiis, per eum ab ipſo Domino noſtro impetrandis, adeo ſpecialem & expreſſam mentionem faciat, quod etiam ſibi ſuper hoc opportune providere valeat, quod ſine cautela ſalutis eo ipſo omni commodo careat eorundem, ipſæmet conceſſiones, diſpenſationes & gratiæ totaliter inefficaces, nullius roboris vel momenti exiſtant, & nihilominus pœnæ canonum contra tales locum habeant, & etiam declarentur.

*Lites cum Cardinalibus & Romanæ Curiæ Miniſtris, non niſi in Curia Romana eſſe componendas.*

ITEM, ne de cetero Domini Cardinales aut perſonæ, apud Sedem Apoſtolicam, Romanam videlicet Curiam, aut Cardinales eoſdem, familiaritatem, officium vel incolatum habentes, ab aliis, ut quandoque contingit, occaſione vel prætextu Beneficialium litium, diſtrahantur: Idem Dominus noſter voluit & ordinavit, quod omnes & ſingulæ cauſæ beneficiales, contra quoſcunque ex Cardinalibus ſeu perſonis eiſdem, aut per eos quibuſlibet perſonis de cetero movendæ, etiam ſi de ſua natura ad dictam Curiam legitime devolutæ, ſeu in ea tractandæ non fuerint, *apud Sedem Apoſtolicam* prædictam *dumtaxat*, apud quam competentia quoad id ſolum pateat eiſdem, *tractari, ventilari, & finiri debeant*, nec in illis aliquis ex Cardinalibus, vel ex perſonis eiſdem alibi conveniri poſſit invitus: Quod ſi forſan aliquos proceſſus in contrarium fieri contingat, ipſi cum omnibus ſecutis irriti prorſus habeantur & inanes, non obſtantibus privilegiis & indulgentiis Apoſtolicis, ac aliis contrariis quibuſcunque.

## DE JUSTITIA.

*Appellantes a ſententia in Romana Curia lata, procuratorium ſuum probent.*

ITEM voluit & ordinavit, quod *appellans* quicunque *Procuratorio nomine à quavis ſententia in Romana Curia pro tempore lata*, ſe in exhibitione mandati ſufficienter ſuper hoc, de quo ſe docere proponit, judici approbet. Aliàs ſi jus hujuſmodi faciendi infrà tempus ſibi per ipſum Judicem ſuper hoc ſtatuendum defecerit, quamvis ille qui pro hujuſmodi appellatione interpoſitâ extiterit, poſtmodum

modum approbaret eandem, nisi de convictis personis sit, vel alias legitimam excusationem allegaret, per eundem Judicem falsi Procuratoris pœna percellatur, vel à procurationis officio in Romana Curia perpetuo, vel ad aliquod tempus longum, sicuti ipsi Judici videbitur, repellatur, seu in xx vel citra, non cum x descendendo, florenorum auri summâ, parte unâ in Capellaniam Auditoris palatii Apostolici, & aliâ medietate pauperum usus convertendâ, mulctetur, nullo sibi super hoc appellationis diffugio quomodolibet profuturo.

ITEM voluit & mandavit, quod nullus Judex ubilibet constitutus in causis & litibus, etiam per appellationem pendentibus indecisis, ad instantiam cujusvis, proprio aut procuratorio nomine, etiam juris ad jus in beneficio quocunque, si & postquam hujusmodi jus ex persona collitigantis qualitercunque vacaverit, se *surrogari* petentis, ad hujusmodi faciendam *surrogationem* quomodolibet procedat, nisi pro parte surrogandi auctoritate, saltem de aliquo colorato & verosimiliter per eum prius habito titulo fides præstetur legitima, aut quod talem causam non malitiosè vel fraudulenter, sed purâ & bonâ conscientiâ instituit: Super hoc ipsi *Judici*, verosimilibus spondentibus conjecturis, *corporale præstetur juramentum*: Quidquid autem secus factum exstiterit, cum insecutis quibuslibet, nullius existat firmitatis.

*De surrogando.*

ITEM voluit & ordinavit, quod deinceps *causæ* quæcunque *Auditorum causarum palatii Apostolici*, vel eorum *Notariorum*, nequeant eorum inimicis adversariis, alicui ex Auditoribus dicti palatii, vel eorum loca tenenti committi, alioquin processus in contrarium habiti nullâ subsistant firmitate.

ITEM voluit & ordinavit, quod, si aliqui *debitores* tatione debitorum *se submiserint* districtui seu *coercitioni Cameræ Apostolicæ temporalis Avinionensis*, & aliarum Curiarum Romanæ Curiæ, & Avinionensis Civitatis, ad conficiendum debita hujusmodicoram Auditore & Judicibus earumdem Curiarum, certos procuratores constituerint, quod si debitores ipsi in dicta Romana Curia fuerint præsentes, & eis non vocatis, iidem procuratores debita hujusmodi confiterentur coram eisdem Auditoribus & Judicibus, Confessiones hujusmodi nullius sint roboris vel momenti.

ITEM voluit & ordinavit, quod *nullus Judex* ordinarius vel delegatus quâcunque auctoritate fungatur, *possit aliquem de Auditoribus*, præsentibus & futuris, *in Romana Curia* commorantibus, *suspendere* vel *excommunicare* quâcunque ratione vel causâ, etiamsi voluntarie se submiserint, excepto Camerario, qui possit contra eum vel eos, si & quando ei videbitur, Ecclesiasticam exercere Censuram.

ITEM statuit, voluit & ordinavit, quod de cetero nulli ad *officium Notariatus Audientiæ causarum* seu etiam *Curiæ Cameræ Apostolicæ* admittantur, nisi primitus *per diligentem examinationem Vice-Cancellarii*, *vel ejus Commissarii*, ad illud idonei reperti fuerint, & qui etiam saltem XXV annum suæ ætatis teneant: Quod omnes *Notarii Audientiæ & Curiæ Cameræ* prædictarum, præsentes & futuri, *per se ipsos hujusmodi sua officia exerceant*, alioquin illis omnino careant, nec deinceps per suos Auditores admittantur: Quodque nullus ex prædictis ipsum Notariatus officium in Audientia causarum & Curia Cameræ Apostolicæ hujusmodi insimul valeat exercere.

SANCTISSIMUS in Christo Pater & Dominus noster, DOMINUS MARTINUS, divinâ providentiâ, PAPA QUINTUS, *die XI mensis Decembris*, *Nova Constitutio Martini V. de beneficiis incompatibilibus*

*Anno 1417 d. 11. à Dec. Constantiæ fact.*

*bris*, Pontificatus ſui anno primo, voluit & ordinavit, quod omnes & ſinguli, cum quibus hactenus per Sedem Apoſtolicam, ſeu ejus auctoritate, *ſuper pluribus Beneficiis Eccleſiaſticis*; etiam in vicem perpetuo vel ad tempora obtinendis, *diſpenſatum* exſtitit, & quæ jam ab eo obtinuerint, vel impoſterum obtinebunt, quaſcunque gratias de Beneficiis Eccleſiaſticis vacantibus, vel certo modo vacaturis ſi *in Theologia Magiſtri vel Baccalaurei formati, aut in Jure Canonico vel Civili Doctores, ſeu cum rigore examinati Licentiati, vel ex utroque parente nobiles* exiſtant, illa, quæ *ultra duo*: Sive verò *aliter* in eiſdem ſtudiis *Graduati*, aut *in Medicina*, vel *in Artibus Magiſtri* fuerint, illa, quæ *ultra unam*, habeant *incompatibilia* infrà annum à tempore poſſeſſionis pacificæ beneficiorum, eis ex gratiis eiſdem competentium, ſimpliciter, vel ex cauſa permutationis pro aliis compatibilibus: *Ceteri* verò *Graduati* vel *ignobiles* quicunque, incompatibilia, unicum dumtaxat incompatibile tranſcendentia, in eventum ſimilis aſſecutionis realiter & omnino dimittere teneantur, diſpenſationibus prædictis in contrarium minime profuturis: *Familiaribus* tamen ipſius Domini noſtri, & *Officialibus* dictæ *Sedis*, actu & continuè ſuis officiis inſiſtentibus, *nepotibus* Dominorum Cardinalium, magnorum Baronum, & ſupra, filiis & nepotibus, dumtaxat exceptis.

*De pluralitate beneficiorum.*

ITEM voluit, quod circa gratias beneficiales per eum factas & fiendas talis moderatio *circa pluralitatem* vel exceſſum *Beneficiorum* obtentorum vel obtinendorum ſervetur, quod *Magiſtri & Baccalaurei formati, Doctores ac Licentiati*, nec non *nobiles* præfati, ultra CCCC: Ceteri verò *aliter*, ut ſuprà, *Graduati*, ultra CCL: Nec non ſimplices, ſeu *non graduati vel ignobiles* prædicti ultra C libras Turonenſium parvorum, aut alterius æquivalentis monetæ, tàm in obtentis, quàm in quibuſcunque ex gratiis eiſdem conſequendis Beneficiis, nullatenus valeant retinere, etiam expeditione Literarum, ut reliqua omnia, dimittenda: Dumtaxat exceptis *familiaribus & officialibus* Domini noſtri *Papæ*, actu & continuò ſuis officiis inſiſtentibus, Dominorumque *Cardinalium nepotibus*, qui ſub hac ordinatione nullatenus includantur.

ITEM voluit & ordinavit idem Dominus noſter, quod, ubi *pro perſonis diverſis*, ſuper aliquo Beneficio Eccleſiaſtico vacante aut certo modo vacaturo, *ſub ejuſdem diei data*, diverſæ per eum, ſive de ſuo mandato conceſſiones aut gratiæ factæ appareant, is cui gratia *proprio motu* facta fuerit, reliquis omnibus, ſub *ſimili motu non habentibus*: Si verò per aliam ſignationem literæ fuerint, tunc *graduatus non graduato*: Et inter graduatos *magis graduatus*; Profeſſor [fortè *poſſeſſor*] quoque, ſaltem collegiato titulo, non tamen ſpoliator, aut inſtitutus per eum, qui potuit ſcire eum non debere inſtruere, ſive cauſam poſſidendi conferre, *non poſſeſſori*: Et contrariis qualitatibus ſeu aliis, ceteris paribus: Præſens *venturo* ab ea *abſenti*: ac *oriundus* Civitatis & Diœceſeos, in qua hujuſmodi Beneficium conſiſtat, alteri *non oriundo*: Et *nullum habens Beneficium*, *habenti*; in dicti Beneficii aſſecutione *præferatur*, niſi ſuper hoc idem Dominus noſter ſpecialius duxerit ordinandum.

ITEM ut *calumniatores execrabiles*, quibus per *abuſus Romanæ Curiæ* datum alimentum, ne contagione ſerpente ſeges caleſcat infecta, *pœnarum* etiam dignis coëmptis *aculeis*, motus improbi exactivis *reprimantur*, Præfatus Dominus noſter ipſius Curiæ gloriam obfuſcantes, Zizaniæ ſatores, eliminare contendit: Omnes & ſingulos, qui *alicujus nominis figmento*

ſup-

ſupplicationem ſive petitionem quamcunque, gratiam, vel juſtitiam continentem, *ſurripere*, aut quo minus illa in lucem prodeat, curſui deſtinato debito quanquam ſupplicanti eam ut antea *ſubtrahere* præſumſerit, *excommunicationis ſententiæ*, & ſi contra eos ſuper hoc inſtituto judicio reperti legitime exſtiterint diverſa Beneficia Eccleſiaſtica obtinere, cujuſlibet illorum, quæ ultimo affecuti fuere, *privationis*, non beneficiatos verò *inhabilitationis* ad quæcunque Eccleſiaſtica Beneficia impoſterum obtinenda, *pœnæ ſubjiciendo*. Nihilominus emergentium forſitan aliàs ſcandalorum ſupprimendis præciputiis, nudo pacis fomento *carceris acrimoniis* unius menſis ſpatio abſque ſpe veniæ quantò citiùs *mancipando*, &c.

GER-

# GERMANICÆ NATIONIS ET MARTINI V. PAPÆ CONCORDATA,

Quoad Eccleſiaſtici regiminis emendationem,

*In Concilio Conſtantienſi A.* 1418. *adornata.*

Ex antiquiſſimis Codicibus MSCtis.

*Cæſareis Vindobonenſibus ac Ducalibus Brunſvicenſibus.*

(4) Apud Vonder Hardt, T. I. p. 1055.

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## PRÆFATIO AC TESTIMONIUM JOANNIS, EPISCOPI OSTIENSIS, Cardinalis & Vice-Cancellarii,

*Ex MSCto* CÆSAREO VINDOBONENSI.

Concordata hæc in Concilio in Cancellariam Papalem relata d. 15. April. A. 1418.

EGO JOANNES, EPISCOPUS OSTIENSIS, *Romanæ Eccleſiæ CARDINALIS & VICE-CANCELLARIUS*, infra ſcripta Conſtitutiones & Statuta *tranſvidi in Cancellaria* de mandato Domini noſtri MARTINI PAPÆ V. *die quinta decima menſis Aprilis*, Pontificatus dicti domini noſtri Papæ anno primo. Et *in libro Cancellariæ feci ſcribi* de eodem mandato. Et juxta ejuſdem Domini noſtri mandatum ſic obſervari ubique mandavi. Et mihi extrahi ea feci & mandavi per Notarium ſubſcriptum, & *in hanc publicam & authenticam formam* redigi, inſerendo ea de verbo ad verbum, prout in quaternis ſeu *libris* dictæ *Cancellariæ* originaliter conſcripta exiſtunt. Ut in quocunque judicio & extra, tam in Curia Romana, quam extra, fidem plenariam faciant, illiſque ſtari debeat incommutabiliter, ſicut propriis originalibus. Voluit inſuper, mandavit, ſtatuit & ordinavit idem Dominus noſter Papa, quod omnia & ſingula hic ſubſcripta firmiter & immobiliter obſerventur. In quorum omnium *teſtimonium* ſigillum meum cum Notarii publici infraſcripti ſubſcriptione apponi feci & mandavi.

Ex libris Cancellariæ fuerunt ſeptus excerpta & Germanis communicata.

## ALIA PRÆFATIO ac TESTIMONIUM

## Ejuſdem JOANNIS, EPISCOPI OSTIENSIS, Cardinalis & Vice-Cancellarii,

*Ex MSCto* DUCALI BRUNSVICENSI.

UNiverſis & ſingulis JOANNES, divina miſeratione EPISCOPUS OSTIENSIS, Sanctæ Romanæ Eccleſiæ CARDINALIS ac VICE-CANCELLARIUS, Salutem in Domino, præſentibus fidem indubiam adhibere.

Si juxta laudabilem antiquorum ſententiam & providum ſapientum conſilium dignum eſt, ea, quæ majorum conſultiſſima providentia in Subditorum gratiam & commoda geruntur, ſcripturæ teſtimonio redigere: dignum per conſequens & rationi conſentaneum, ut adeo nota ſit eorum veritas, quod inde nec deſit pacificis opportuna proviſio, nec uſquam perverſis ſub ignorantia variandi ſupina facultas relinquatur.

Cum itaque nuper inter Sanctiſſimum in Chriſto Patrem & Dominum noſtrum, Dominum Martinum, divina providentia Papam V. & Reverendiſſimos Patres, Prælatos, nec non egregios & circumſpectos viros, Ambaſiatores, Procuratores, Doctores, & Magiſtros, ceteroſque, VENERABILEM NATIONEM GERMANICAM in Generali Conſtantienſi Concilio repræſentantes & facientes, nonnulla CAPITULA CONCORDATA, & ab utraque parte ſponte ſuſcepta: Nec non de dicti Domini noſtri Papæ mandato *in libro Cancellariæ* ſanctæ Romanæ Eccleſiæ, in quo Romanorum Pontificum Conſtitutiones & Ordinationes ſolent conſcribi ad futuram rei certitudinem, nobis operam dantibus, prout ad noſtrum ſpectat officium, *die quinta decima menſis Aprilis*, Pontificatus dicti Domini noſtri Papæ anno primo, *conſcripta* fuerunt, ac de anno quo ſupra, *lecta & publicata:* Addito, quod ſub noſtrarum Litterarum teſtimonio indigens quiſque ſibi teſtimonium ſumere valeat, in toto, vel in ea parte, qua indiguerit eorumdem: Nos ad N. inſtantiam, *Capitula* hujuſmodi, ſicut perfertur, *Concordata* & ſponte ſuſcepta, ex integro libro prædicto de verbo ad verbum fideliter conſcribi & præſentibus annotari fecimus. Quorum tenor ſequitur in hunc modum.

## CAP I.

### *De numero & qualitate Cardinalium, & eorum creatione.*

*Moderatum esse debere Cardinalium numerum.*

STATUIMUS, ut deinceps *numerus Cardinalium* Sanctæ Romanæ Ecclesiæ adeo sit *moderatus*, quod non sit gravis Ecclesiæ.

*Ex omnibus Nationibus seligendi.*

QUI *de omnibus partibus Christianitatis* proportionaliter, quantum fieri poterit, assumantur: Ut notitia causarum & negotiorum in Ecclesia emergentium facilius haberi possit,

*Æqualitas regionum in honoribus Ecclesiasticis.*

& *æqualitas regionum in honoribus Ecclesiasticis* observetur.

*Sint xxiv.*

SIC tamen, quod *numerum* XXIV non excedant.

NISI pro honore Nationum, quæ Cardinalem non habent, unus vel duo pro semel de consilio & assensu Cardinalium assumendi viderentur.

*Sint eruditi, probi & prudentes.*

SINT autem *viri in scientia, moribus & rerum experientia excellentes*, Doctores in Theologia, aut in Jure Canonico vel Civili.

PRÆTER admodum paucos, qui *de stirpe Regia* vel *Ducali* aut *magni Principis* oriundi existant. In quibus competens Literatura sufficiat.

*Aliqui ex Magnatum domibus.*

NON fratres, aut nepotes ex fratre vel sorore, alicujus Cardinalis viventis.

NEC de uno Ordine Mendicantium ultra unum.

NON corpore vitiati, nec alicujus criminis vel infamiæ nota respersi.

NEC fiat eorum *electio per auricularia vota* solummodo; sed etiam cum consilio Cardinalium collegialiter. Sicut in promotione Episcoporum fieri consuevit.

*Cardinalium electio quo pacto instituenda.*

QUI modus etiam observetur quando aliquis ex Cardinalibus in Episcopum assumetur.

## CAP. II.

### *De provisione Ecclesiarum, Monasteriorum, Prioratuum, Dignitatum, & aliorum Beneficiorum.*

SANCTISSIMUS Dominus noster *Papa, Martinus Quintus*, super provisionibus Ecclesiarum, Monasteriorum & Beneficiorum quorumcunque, *utetur reservationibus Juris scripti*, & Constitutionis, *Execrabilis & ad regimen*, modificatæ ut sequitur.

*Reservationes quæ Pontifici sint concessæ.*

*Ad regimen Ecclesiæ generalis quamquam immeriti superna dispositione vocati, gerimus in nostris desideriis, ut debemus, quod per nostræ diligentiæ studium ad quarumlibet Ecclesiarum & Monasteriorum regimina & alia Beneficia Ecclesiastica, juxta divinum beneplacitum & nostræ intentionis affectum, viri assumantur* idonei, *qui*

*Tota Constitutio restricta ad quinquennium.*

præsint & prosint *committendis eis Ecclesiis, Monasteriis & Beneficiis præfatis.*

*Præmissorum itaque consideratione inducti, & suadentibus nobis aliis rationabilibus causis, nonnullorum Prædecessorum nostrorum Romanorum Pontificum vestigiis inhærentes, omnes Patriarchales, Archi-Episcopales, Episcopales Ecclesias, Monasteria, Prioratus, Dignitates, Personatus & Officia, nec non Canonicatus & Præbendas, & Ecclesias, ceteraque Beneficia Ecclesiastica, cum cura, vel sine cura, sæcularia & regularia, quæcunque & qualiacunque fuerint, etiamsi ad illa per-*

ſonæ conſueverint ſeu debuerint per electionem, ſeu quemvis alium modum aſſumi, apud Sedem Apoſtolicam quocunque modo vacantia vel impoſterum vacatura: Nec non per depoſitionem, vel privationem ſeu tranſlationem, per nos ſeu auctoritate noſtra factas, & in antea faciendas, ubilibet: Nec non, ad quæ aliqui in concordia ſeu diſcordia electi, vel poſtulati fuerint, quorum electio caſſata ſeu poſtulatio repulſa, vel per eos facta renunciatio, & admiſſa auctoritate noſtra extiterit, ſeu quorum electorum vel poſtulatorum, & in antea eligendorum ſeu poſtulandorum electionem caſſari, vel poſtulationem repelli, aut renunciationem admitti per nos ſeu auctoritate noſtra continget apud Sedem prædictam, vel alibi, ubicunque: Et etiam per obitum Cardinalium ejuſdem Eccleſiæ Romanæ, ac Officiariorum dictæ Sedis, quamdiu ipſa officia actualiter tenebunt, videlicet Vice-Cancellarii, Camerarii, ſeptem Notariorum, Auditorum literarum contradictarum, & Apoſtolici palatii cauſarum Auditorum, Correctorum, centum & unius ſcriptorum literarum Apoſtolicarum, & XXIV pœnitentiariæ præfatæ Sedis, & viginti quinque Abbreviatorum, nec non verorum commenſalium noſtrorum, & aliorum XXV Capellanorum Sedis ejuſdem in pitavio deſcriptorum, & etiam quorumcunque legatorum ſeu collectorum ac in terris Eccleſiæ Romanæ Rectorum & Theſaurariorum, deputatorum, ſeu miſſorum hactenus, vel deputandorum ac mittendorum, impoſterum vacantia & in antea vacatura, ubicunque dictos Legatos vel Collectores, ſeu Rectores aut Theſaurios, antequam ad Romanam Curiam redierint, ſeu venerint, rebus eximi contigerit ab humanis: Nec non quorumlibet pro quibuſcunque negotiis ad Romanam Curiam venientium, vel etiam recedentium ab eadem, ſi in locis à dicta Curia ultra duas dietas legales non diſtantibus, jam forſan obierint, vel eos in antea tranſire de hac luce contigerit: Et etiam ſimili modo quorumcunque curialium peregrinationis, infirmitatis, aut recreationis, ſeu alia quacunque cauſa ad quævis loca ſecedentium, ſi antequam ad dictam curiam redierint, in locis ultra duas dietas ab eadem Curia, ut præmittitur, non remotis, dummodo eorum proprium domicilium non exiſtat ibidem, jam forſitan deceſſerint, vel in poſterum eos contigerit de medio ſubmoveri, nunc per obitum hujuſmodi vacantia vel in poſterum vacatura: Rurſus Monaſteria, Prioratus, Decanatus, Dignitates, Perſonatus, Adminiſtrationes, Officia, Canonicatus, Præbendas & Eccleſias, ceteraque Beneficia Eccleſiaſtica, ſecularia & regularia, cum cura vel ſine cura, quæcunque & qualiacunque fuerint, etiamſi ad illa perſonæ conſueverint ſeu debuerint per electionem, ſeu quemvis alium modum aſſumi, quæ promotæ per nos vel auctoritate noſtra ad Patriarchalium, Archi-Epiſcopalium, & Epiſcopalium Eccleſiarum, nec non Monaſteriorum regimina, obtinebunt tempore promotionum, de ipſis factarum nunc quocunque modo vacantia ſeu in poſterum vacatura: Nec non etiam quæ per aſſecutionem pacificam quorumcumque Priorатuum, Perſonatuum, Officiorum, Canonicatuum, Præbendarum Eccleſiaſticarum aut Beneficiorum aliorum, per nos, ſeu auctoritate literarum noſtrarum immediate collatorum, ſeu conferendorum in poſterum, præterquam, ſi virtute gratiæ expectativæ aſſecutio fiat, nunc vacantia & in antea vacatura: Plena ſuper præmiſſis omnibus & ſingulis cum fratribus noſtris collatione præhabita, & matura deliberatione ſecuta, ordinationi, diſpoſitioni & proviſioni noſtræ, uſque ad quinquennium de ipſorum fratrum conſilio, auctoritate Apoſtolica reſervamus. Decernentes ex nunc irritum & inane, ſi ſecus ſuper

*præmiſſis & quolibet eorum, per quoſcunque quavis auctoritate ſcienter vel ignoranter contigerit attentari. Non obſtantibus quibuſcunque Conſtitutionibus, à prædeceſſoribus noſtris Romanis Pontificibus editis, quatenus obſiſtere poſſent ſuperius enarratis articulis, vel alicui, ſeu aliquibus eorum, dicto* quinquennio durante. *Nulli ergo, &c.*

*De electionibus & confirmationibus quæ & quoſque Papæ conveniant apud Germanos.*

In Eccleſiis Cathedralibus, & etiam in Monaſteriis, *Apoſtolicæ Sedi immediate ſubjectis*, fiant *electiones canonicæ*, quæ ad Sedem Apoſtolicam deferantur. Quas etiam ad tempus conſtitutum in *Conſtitutione Nicolai III*, quæ incipit: *Cupientes*, Papa expectet. Quo facto, ſi non fuerint præſentatæ, vel, ſi præſentatæ minus Canonicæ fuerint, Papa provideat: Si vero Canonicæ fuerint, Papæas confirmet. Niſi ex cauſa rationabili & evidenti & de fratrum conſilio, de digniori & utiliori perſona duxerit providendum. Proviſo quod confirmati & *Proviſi per Papam* nihilominus *Metropolitanis* cum aliis *præſtent debita juramenta*, & alia, ad quæ de jure tenentur.

*In Monaſteriis Papæ immediate ſubjectis in Germania.*

*In Monaſteriis Papæ immediate non ſubjectis apud Germanos.*

In *Monaſteriis, quæ non ſunt immediate ſubjecta Sedi Apoſtolicæ*, nec non in aliis Beneficiis regularibus, ſuper quibus pro confirmatione ſeu proviſione non conſuevit haberi recurſus ad Sedem Apoſtolicam, *non teneantur venire electi*, ſeu illi, quibus providendum eſt *ad curiam*, ad habendam confirmationem ſeu proviſionem. Nec etiam dicta Beneficia regularia cadant in gratiis expectativis.

Ubi autem in Monaſteriis ad Curiam Romanam pro confirmatione venire vel mittere conſueverunt, ibi Papa non aliter confirmet aut provideat, quam ſuperius de Eccleſiis Cathedralibus eſt expreſſum.

*De Monaſteriis Monialium.*

De *Monaſteriis Monialium* Papa non diſponet, niſi ſint exemta: Et tunc per commiſſionem in partibus.

*De reliquo jure Patronatus in Eccleſiis Germaniæ.*

De *ceteris* Dignitatibus & Beneficiis quibuſcunque, ſecularibus & regularibus, vacaturis ultra reſervationes jam dictas: Majoribus Dignitatibus poſt Pontificales in Cathedralibus, & principalibus in Collegiatis Eccleſiis, exceptis: De quibus *jure ordinario provideatur* per illos *inferiores*, ad quos aliàs pertinet: Nec computentur in turno ſeu vice eorum: Idem Dominus noſter ordinat, quod per quamcunque aliam reſervationem, gratiam expectativam, aut quamvis aliam diſpoſitionem, ſub quacunque verborum forma per eum aut ejus auctoritate factam vel faciendam, non velit, neque volebat, neque intendebat, nec intendit facere, aut fieri, quo minus de media parte illarum & illorum, cum vacabunt, *alternis vicibus libere diſponatur per illos, ad quos collatio, proviſio, præſentatio, electio aut alia quævis dipoſitio pertinebit*, prout ad ipſos ſpectabit de conſuetudine vel de jure. Ita, quod, cum *de una* Dignitate, Perſonatu, Officio vel Beneficio ex illis, ad electionem, proviſionem, collationem, ſeu quamvis aliam diſpoſitionem alicujus ſpectante, fuerit *auctoritate Apoſtolica proviſum*, aut aliàs diſpoſitum, *ille, ad cujus electionem*, vel quamvis diſpoſitionem, primo loco *pertinebat, de alio immediate poſtea vacaturo provideat*, aut diſponat, prout ad eum pertinebat.

*De alternante collatione officiorum.*

Et ita conſequenter de ſingulis hujuſmodi Dignitatibus, Perſonatibus, Officiis, & Beneficiis vacaturis, auctoritate ejuſdem Domini noſtri Papæ, & aliorum prædictorum, *alternatis vicibus diſponatur*. Reſervationibus, aut aliis præmiſſis diſpoſitionibus, auctoritate ejuſdem Domini noſtri Papæ factis vel faciendis, non obſtantibus quibuſcunque.

Quoties verò aliquo vacante Beneficio, cadente in vice & in gratia expectativa, non apparuerit infra tres

menſes à die notæ vacationis in loco Beneficii, quod alicui de illo ſecundum prædictas ordinationes fuerit auctoritate Apoſtolica provitum: *Ordinarius*, vel *alius*, ad quem illius diſpoſitio pertinebit, *de illo libere diſponat*: Nec ſibi in ſua vice computetur.

BENEFICIA etiam, quæ per ſimplicem renunciationem aut permutationem vacaverint, neutra Papæ computentur.

SANCTISSIMUS Dominus noſter Papa *Martinus Quintus*, ad exaltationem fidei Catholicæ & ſpiritualem profectum populi Chriſtiani, *de conſenſu ac beneplacito Nationis Germanicæ* ſtatuit, & ordinavit ac decrevit, quod deinceps in Metropolitanis & Cathedralibus Eccleſiis *Nationis Germanicæ* ejuſdem, *ſexta pars Canonicatuum & Præbendarum ſit pro Doctoribus aut Licentiatis in ſacra pagina, vel altero Jurium, vel in Theologia Baccalaureis formatis, aut Magiſtris in Medicina*, qui per biennium, ſeu *Magiſtris in Artibus*, qui per quinquennium poſt Magiſterium, in Theologia aut altero Jurium ſtuduerunt in Studio generali.

*De Canonicatibus pro graduatis apud Germanos.*

SIC videlicet, quod ubicunque non fuerit ſaltem, *ſexto pars Canonicorum, Præbendatorum*, in Metropolitana vel Cathedrali Eccleſia, taliter *graduatorum* ibi quæcunque deinceps Canonicatus & Præbendæ vacaverint, quacunque etiam Apoſtolica vel alia auctoritate, *non niſi taliter graduatis conferantur*, quoſque dicta *ſexta pars* compleatur *taliter graduatis*. Si tamen *infra menſem*, à tempore vacationis hujuſmodi Canonicatus & Præbendæ numerandum, repertus fuerit taliter *graduatus*, & *alias idoneus*, qui per ſe vel per procuratorem voluerit acceptare.

QUOD poſtmodum continuetur, ut ad minimum dictus *numerus ſextæ partis Canonicorum*, taliter, ut præmittitur, *graduatorum*, in ipſis Metropolitanis & Cathedralibus Eccleſiis habeatur.

UBI autem ſoli conſueverunt *illuſtres* aut de *Comitum* vel *Baronum* genere vel ex utroque genere militares in *Canonicos* admitti: Taliter graduati, qui acceptare voluerint, ſi *taliter nobiles*, ut præmittitur, fuerint, in illis Eccleſiis ceteris etiam nobilibus ſaltem uſque ad dictum numerum præferantur.

*De illuſtribus ſeu Comitum Canonicatibus apud Germanos.*

ITEM, quod in aliis Collegiatis Eccleſiis *ejuſdem Nationis*, ſimiliter *ſexta pars Canonicatuum* & Præbendarum deinceps modo præmiſſo conferatur, *ſic*, ut præmittitur, *graduatis*, aut ſaltem in Medicina aut in Artibus Magiſtris vel Licentiatis, aut in Theologia vel altero Jurium Baccalaureis examinatis per rigorem, cum limitatione, modo & ordine ſupra dictis.

ITEM, quod *Parochiales Eccleſiæ*, habentes, communi æſtimatione, quæ ſecundum famam publicam attenditur, *duo millia communicantium* vel plures, deinceps non conferantur, etiam Apoſtolica vel quacunque alia auctoritate, niſi *Doctoribus vel Licentiatis in ſacra pagina* vel Jure Canonico vel Civili, & Baccalaureis in Theologia formatis: Si tamen *infra menſem*, à tempore vacationis numerandum, reperiatur taliter graduatus, qui per ſe vel per procuratorem voluerit acceptare.

*De magnis parochialibus Eccleſiis in Germania.*

DECERNENDO irritum & inane, ſi ſecus in præmiſſis, tam circa Canonicatus & Præbendas, quam Parochiales Eccleſias, vel eorum aliquod, a quoquam, quavis etiam auctoritate Apoſtolica, fuerit acceptatum.

SALVIS ſemper *laudabilibus conſuetudinibus & ſtatutis Eccleſiarum*, quæ præmiſſis non adverſantur. In contrarium autem facientibus non obſtantibus quibuſcunque.

ITEM

Item quatenus prædicta Conſtitutio, ſeu Ordinatio, pluribus proſit, & *humanæ ambitioni frænum imponatur*, ordinat, ſtatuit, & decernit idem Dominus noſter Papa, quod, vigore præſentis Conſtitutionis ſeu Ordinationis, *nemo graduatorum poſſit ultra unum Eccleſiaſticum Beneficium adipiſci.*

Item vult, quod in pari data ad eandem collationem *graduatus non graduato præferatur.* Prærogativis & diligentia non obſtantibus quibuſcunque.

Item, quod *vicariæ*, ad certa chori officia in Eccleſiis Cathedralibus & Collegiatis deputatæ, non conferantur, etiam Apoſtolica auctoritate, niſi talibus, qui hujuſmodi Beneficia cantando, legendo, & aliàs ſciverint & poterint perſonaliter adimplere.

## CAP. III.

## *DE ANNATIS.*

*De Fructibus primi anni.*

De Eccleſiis & *Monaſteriis virorum* duntaxat, vacantibus & vacaturis, ſolventur *pro fructibus primi anni* à die vacationis *ſummæ pecuniarum*, in libris Cameræ Apoſtolicæ taxatæ, quæ *communia ſervitia* nuncupantur.

*Communia ſervitia.*

*Taxæ Eccleſiarum Germanicarum exceſſive, moderandæ.*

Si quæ vero *exceſſive taxatæ* ſunt, juſte retaxentur. Et provideatur ſpecialiter *in gravatis regionibus* ſecundum qualitatem rerum, temporum, *& regionum, ne nimium prægraventur.* Ad quod dabuntur *Commiſſarii*, qui diligenter inquirant & retaxent.

*Annatæ quæ & quando ſolvendæ à Germanis.*

Taxæ autem prædictæ *pro media parte infra annum* à die habitæ poſſeſſionis pacificæ totius vel majoris partis ſolventur: Et *pro media parte alia infra ſequentem annum.*

Et ſi *infra annum bis* vel pluries *vacaverit*, ſemel tantum ſolvetur.

*Debitum in ſucceſſorem non tranſeat.*

*Nec debitum* hujuſmodi *in ſucceſſorem* in Eccleſia vel Monaſterio *tranſeat.*

De ceteris autem Dignitatibus, Perſonatibus, Officiis, ſecularibus & regularibus, quibuſcunque, quæ auctoritate Sedis Apoſtolicæ conferentur, vel providebitur de eiſdem, præterquam vigore gratiarum expectativarum aut cauſa permutationis, ſolvatur *annata* ſeu *mediis fructus* juxta taxam ſolitam tempore unionis infra annum.

*Et debitum hujuſmodi in ſucceſſorem* in Beneficio *non tranſeat.*

De Beneficiis vero, quæ valorem xxiv florenorum de camera non excedunt, nihil ſolvatur.

*Debitis omnibus præteriti temporis*, uſque ad aſſumtionem Domini noſtri, communium ſervitiorum & annatarum *pro medietate relaxatis*, ſolventibus aliam medietatem infra ſex menſes à die publicationis.

## CAP. IV.

### *De cauſis tractandis in Romana Curia, nec ne.*

Sanctissimus Dominus noſter Papa *Martinus V.* ſtatuit, & ordinat, quod nullæ cauſæ in Romana Curia committantur, niſi *quæ de jure & natura* cauſæ *in Romana Curia tractari debebunt.*

*Cauſæ ad Rom. Curiam pertinentes limitatæ.*

Et quod cauſæ, *quæ ad forum Eccleſiaſticum de jure* vel *conſuetudine*

*non*

*non pertinent*; per Romanam Curiam, etiam prætextu cruceſignationis laicorum, extra tempus paſſagii generalis, *non recipiantur* de illis cognoſcendo in Curia, vel extra committendo, niſi de conſenſu partium.

Quæ verò ad forum Eccleſiaſticum pertinent, & *de jure* ſunt per appellationem aut aliàs ad Romanam Curiam *devolutæ*, ac de ſui natura in eadem tractandæ, tractentur in ea. *Ceteræ committantur in partibus.*

Nisi forſan pro cauſæ & perſonarum qualitate, in commiſſione exprimenda, illas tractare in Curia expediret, pro juſtitia conſequenda, vel de partium conſenſu, in curia tractentur.

## CAP. V.

## *DE COMMENDIS.*

ORDINAT Dominus noſter Papa, quod impoſterum Monaſteria, aut magni Prioratus conventuales habentes temporibus ultra decem Religioſos, & officia clauſtralia, dignitates majores poſt pontificales in cathedralibus ſive Eccleſiæ Parochiales, *nulli Prælato etiam Cardinali dentur in Commendam.*

*Commendæ ſublatæ.*

Datæ autem & dati, quamprimum *commendatariis* loco illorum de æquivalenti providebitur, poſt pacificam poſſeſſionem adeptam, illas dimittant.

Una etiam Eccleſia Metropolitana uni Cardinali vel Patriarchæ concedi poterit, proviſionem aliam ſufficientiorem non habenti.

## CAP. VI.

### *De Simonia in foro conſcientiæ providetur ut ſequitur.*

UT autem, conſideratâ *malitiâ* aliquorum *temporum proxime præteritorum*, quibus *labes Simoniaca* tam *in Ordinibus*, quam *in Beneficiis Eccleſiaſticis*, tunc conferendis & percipiendis, ac religionibus ingrediendis, fuit heu *nimium frequentata*, *læſis* in hoc *conſcientiis*, ad puriorem adminiſtrationem & perceptionem Sacramentorum, ſalubriter *conſulatur:* Omnibus & ſingulis Patriarchis, Archi-Epiſcopis, Epiſcopis, Abbatibus, Abbatiſſis, cæteriſque Prælatis, nec non Clericis ac perſonis Eccleſiaſticis, religioſis & ſecularibus utriuſque *ſexus*, ut quælibet earum infra tres menſes poſt publicationem aut inſinuationem præſentium, ſibi aut in Diœceſi, ubi domicilium habuerit, factam, aliquem *in ſacra pagina vel in Jure Canonico Doctorem aut Licentiatum vel Baccalaureum formatum*, ubi talis commode poterit reperiri, vel ubi talis non reperitur, *Lectorem*, ſeu aliàs *intelligentem Sacerdotem diſcretum ac bonæ famæ*, curatum, vel non curatum, *eligere* valeat *Confeſſorem*, qui infra prædictum tempus, quantocius commode fieri poterit, ejus confeſſione auditâ, ipſam perſonam confitentem à ſuis peccatis, & à quibuſcunque excommunicationum, ſuſpenſionum, & interdicti, aliiſque ſententiis, cenſuris ac pœnis, quas forſan *propter Simoniam* in Ordine vel Beneficio Eccleſiaſtico, religionis ingreſſu, aut aliàs qualitercunque, *active vel paſſive commiſſam*, uſque ad tempus publicationis prædictæ dignoſcitur incurriſſe, *in foro conſcientiæ* dum-

*De eligendo Confeſſore qui Simoniacum abſolvat.*

dumtaxat *abſolvere*, nec non ſecum ſuper irregularitate, ſuper eo, quod hujuſmodi ſententiis aut earum aliqua ligata forſan Miſſas vel alia divina officia celebraſſe, aut ſe illis immiſcuiſſe cenſebitur, uſque ad tempus prædictum contractâ, ipſaque propter præmiſſa aut eorum aliquod à ſuorum ordinis vel officii executione ſuſpenſa, quod in illis nihilominus miniſtrare, illa exercere Beneficia adepta, vel ſtatum, in quo eſt, retinere, & ad ulteriora promoveri poſſit, in dicto foro valeat *diſpenſare*, ac eidem Beneficia, quæ obtinent, ad hoc forſitan vacantia vel vacatura, ſi & poſtquam dimiſerit, *reconferre*, omnemque inhabilitatis, irregularitatis, nec non infamiæ maculam ſive notam atque aliam labem, per eum occaſione prædicta uſque ad tempus prædictum contractam, in eodem foro totaliter *abolere*, fructus quoque Beneficiorum Eccleſiaſticorum, quos indebite percepit, & quos percipere potuiſſet, aut quicquid occaſione prædicta fuerit refundendum, dummodo perſona ipſa, ad refuſionem faciendam deducto, ne egeat in ſtatu, in quo tunc fuerit, aut aliàs abſque nota vel ſcandalo ſufficiens non fuerit, in dicto foro *remittere*, ac eam de his *quitare & liberare*, tenore præſentium miſericorditer *indulgemus*: Conſtitutionibus Apoſtolicis, & aliis in contrarium facientibus non obſtantibus quibuſcunque.

## CAP. VII.

### *De non vitandis excommunicatis, antequam per Judicem fuerint declarati & denunciati.*

*De excommunicationis virtute reſtricta.*

INSUPER ad vitanda ſcandala & multa pericula, *ſubveniendumque conſcientiis timoratis*, omnibus Chriſti fidelibus tenore præſentium miſericorditer *indulgemus*, quod nemo deinceps à communione alicujus in ſacramentorum adminiſtratione, vel receptione, aut aliis quibuſcunque divinis, vel extra, prætextu cujuſcunque ſententiæ aut cenſuræ Eccleſiaſticæ, à jure vel ab homine generaliter promulgatæ, teneatur abſtinere, vel aliquem vitare, ac interdictum Eccleſiaſticum obſervare. Niſi ſententia, vel *cenſura* hujuſmodi fuerit in vel contra Perſonam, Collegium, Univerſitatem, Eccleſiam, Communitatem, aut locum certum, vel certa, *à Judice publicata*, vel *denunciata* ſpecialiter & expreſſe.

CONSTITUTIONIBUS Apoſtolicis, & aliis in contrarium facientibus, non obſtantibus quibuſcunque.

SALVO, ſi quem pro ſacrilegio, & manuum injectione in clerum, ſententiam latam à canone adeò notorie conſtiterit incidiſſe, quod factum non poſſit aliqua tergiverſatione celari, nec aliquo Juris ſuffragio excuſari. Nam à communione illius, licet denunciatus non fuerit, volumus abſtineri, juxta canonicas ſanctiones.

CAP.

## CAP. VIII.

## *De DISPENSATIONIBUS.*

*De dispensationibus Papalibus limitatis.*

ORDINAT etiam Dominus noſter, ad Eccleſias Cathedrales, Monaſteria, Prioratus, Conventuales & Parochiales Eccleſias, *ſuper defectum ætatis ultra triennium nullatenus diſpenſare.*

NISI forte in Eccleſiis Cathedralibus ex ardua & evidenti cauſa, de conſilio Cardinalium, ſeu majoris partis illorum, videretur aliter diſpenſandum.

ITEM Dominus noſter in arduis & gravibus caſibus ſine conſilio Cardinalium non intendit diſpenſare.

## CAP. IX.

## *De Proviſione Papæ & Cardinalium.*

*De communibus ſervitiis & vacantiis pro Papa & Cardinalibus.*

ROMANO Pontifici & ſanctæ Romanæ Eccleſiæ Cardinalibus *pro illorum ſuſtentatione*, rebus Romanæ Eccleſiæ ſtantibus, ut ſunt, non videtur aliter poſſe provideri, quam hucuſque factum eſt, ſcilicet *per beneficia & communia ſervitia*, quæ *vacantiæ* nuncupantur.

*Que Beneficia Eccleſiaſtica Cardinalibus non ſint conferenda in Germania.*

VERUM circa Beneficiorum qualitatem taliter duximus providendum, quod *nulli Cardinali* Monaſterium, Prioratus conventuales, ultra numerum decem Religioſorum ſecundum moderna tempora habere conſueti, nulla major dignitas poſt Pontificalem in Cathedralibus, aut Parochiales Eccleſiæ, nullum Officium clauſtrale, nullum Xenodochium, Hoſpitale, Eleemoſynaria, ſeu Leproſaria, *in titulum vel adminiſtrationem conferantur.* Et ſi quæ talia nunc obtinent, quamprimum Papa loco illorum de alio æquivalenti providebit, illa dimittere teneatur, ſicut ſuperius de Commendis eſt dictum.

PROVISO, quod Cardinalis de proventibus Eccleſiaſticis non habeat ultra valorem ſex milium florenorum.

## CAP. X.

## *De INDULGENTIIS.*

*Indulgentiæ in Germania refrenatæ.*

CAVEBIT Dominus noſter Papa *in futurum* nimiam indulgentiarum effuſionem, ne vileſcant. Et *in præteritum* conceſſas ab obitu *Gregorii XI. ad inſtar alterius indulgentiæ* revocat & annullat.

## CAP. XI.

### *De horum Concordatorum, Papæ Martini V. & Nationis Germanicæ valore.*

*Concordata hæc ad quinquennium à fine Concilii Conſt. durare debere. Regulas Cancellariæ debere cedere Concordatis cum Germanis.*

ITEM Sanctiſſimus Dominus noſter *Papa & inclyta Natio Germanorum conſenſerunt & poteſtati ſunt*, quod omnia & ſingula ſupradicta *durare & tolerari debeant uſque ad quinquennium dumtaxat*, à data præſentium numerandum: Conſtitutionibus Apoſtolicis, *regulis Cancellariæ* factis & fiendis, & aliis in contrarium facientibus, *non obſtantibus* quibuſcunque. Quodque per obſervantiam illorum *nullum jus novum Romano Pontifici*, aut alicui alteri Eccleſiæ vel Perſonæ, *acquiratur* ſeu præjudicium generetur.

*Lapſo quinquennio a fine Concilii Conſt. Germanos priſtinæ ſuæ libertate uti debere.*

SED *lapſo dicto quinquennio* quælibet Eccleſia & Perſona prædicta *liberam facultatem habeat utendi quolibet jure ſuo*, non obſtantibus ſupradictis.

ET quod *capitula* prædicta, & quodlibet eorum, *dentur* cuilibet ea habere volenti, communiter ſeu diviſim, *in authentica forma, ſub ſigillo Domini Vice-Cancellarii*, cum ſubſcriptione Notarii. Sic, quod fidem faciant, exhibita ubicunque.

PRO toto autem non ſolvantur, ultrà duodecim groſſi Turonenſes.

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*D. 2. Maii A. 1418.*

# GALLICÆ NATIONIS ET MARTINI V. PAPÆ CONCORDATA,

(5) Apud Vonder Hardt, T. IV. p. 1066.

GALLI quidem, ceterarum Nationum exemplo, permiſerunt in Concilio, ſcribi, produci, confirmari, & hodie publicari *conventiones* à Papa oblatas. Aſt incertis num Regi eſſent ejuſque ſupremo Synedrio placituræ. Quas regno Galliæ moleſtiores eſſe viſas eventus docuit. Repulſam igitur à Rege tulere, quamprimùm eas obtulit *Martinus Porræus, Epiſcopus Atrebatenſis.* Non diſſimulaverat hoc *Spondanus* in ſuis *Annalibus, f.* 767. his uſus verbis, *In Codice Victorino, Acta Concilii continente, ſunt Conſtitutiones Martini Pontificis cum Nationis Gallicæ Prælatis & Oratoribus concordatæ, de Numero & Qualitate Cardinalium, de Reſervationibus Sedis Apoſtolicæ, de Annatis & Servitiis, &c. Dicunturque oblatæ*

*tæ fuiſſe per Martinum Epiſcopum Atrebatenſem, qui Concilio interfuit, Curiæ Parliamenti, nec tamen ab eo admiſſæ, ſed confecta eſſe quædam Monita ſuper iiſdem Articulis, Martino Papæ pro parte Nationis offerenda.*

Copia certarum Conſtitutionum, in Concilio Generali Conſtantienſi factarum, quæ fuerunt præſentatæ in Curia Parliamenti Regi Pariſienſis per Dominum *Martinum Epiſcopum Atrebatenſem, Anno Domini* MCCCCXVIII, *die* X *menſis Junii*, ſed non acceptatæ per eandem Curiam. *Ex MSC. Pariſiensi Bibliothecæ S. Victoris.*

*UNIVERSIS & ſingulis* Joannes, *miſeratione divinâ* Epiſcopus Hoſtienſis, *ſanctæ Romanæ Eccleſiæ* Cardinalis & Vice-Cancellarius, *ſalutem in Domino, & præſentibus fidem indubiam adhibere.*

*Si juxta laudabilem antiquorum ſententiam & providum ſapientum conſilium dignum eſt, ea, quæ majorum conſultiſſimâ providentiâ in ſubjectorum gratiam & commoda geruntur, ſcripturæ teſtimonio redigere, dignum eſt per conſequens & rationi conſentaneum, ut adeo nota fiat Eccleſiæ eorum veritas, quod inde nec deſit pacificis opportuna proviſio, nec uſquequaque perverſis ſub ignorantia variandi ſupina facilitas relinquatur. Cum itaque nuper inter ſanctiſſimum in Chriſto Patrem & Dominum noſtrum, Dominum* Martinum, *Divinâ providentiâ* Papam Quintum, *& reverendos Patres, Prælatos, nec non egregios & circumſpectos Viros, Ambaſſiatores, Procuratores, Doctores & Magiſtros, cetero ſque, venerabilem* Nationem Gallicanam in Generali Concilio Conſtantienſi repræſentantes *& facientes nonnulla* Capitula concordata, *& ab utraque parte ſponte ſuſcepta, nec non de dicti Domini noſtri Papæ mandato* in libro Cancellariæ *ſanctæ Romanæ Eccleſiæ, in quo Romanorum Pontificum Conſtitutiones & Ordinationes ſolent conſcribi, ad futuram rei certitudinem, nobis operam dante, prout ad noſtrum ſpectat officium,* die XV menſis Aprilis, *Pontificatus Domini noſtri Papæ anno primo* conſcripta *fuerunt, ac demum de ſimili mandato in* Audientia contradictarum die XI [2] menſis Maii *anno quo ſuprà, lecta & publicata, adjectoque quod ſub noſtrarum literarum teſtimonio indigens quiſque ſibi teſtimonio ſumere valeat, in toto, vel in ea parte, quæ indigeret earumdem, Nos ad reverendi Patris in Chriſto Domini Martini, Epiſcopi Atrebatenſis, inſtantiam, Capitula hujuſmodi, ſicut præfertur, concordata & ſponte ſuſcepta, ex integro ex libro prædicto de verbo ad verbum fideliter tranſcribi & præſentibus annotari fecimus, quorum tenor ſequitur in hunc modum.*

## *De Numero & Qualitate Dominorum Cardinalium.*

MARTINUS &c. Statuimus, ut deinceps numerus Cardinalium ſanctæ Romanæ Eccleſiæ adeo ſit moderatus, quod nec ſit gravis Eccleſiæ, nec ſuperflua numeroſitate vileſcat. Qui de omnibus partibus Chriſtianitatis proportionaliter, quantum fieri poterit, aſſumentur, ut notitia cauſarum & negotiorum in Eccleſia emergentium facilius haberi

poſſit, & æqualitas regionum in Honoribus eccleſiaſticis obſervetur. Sic tamen quod numerum viginti quatuor non excedat, niſi pro honore Nationum, quæ Cardinales non habent, unus vel duo pro ſemel de conſilio & aſſenſu Cardinalium aſſumendi viderentur. Sint autem Viri in ſcientiâ & rerum experientiâ excellentes, Doctores in Theologiâ, aut in Jure Canonico vel Civili, præter admodum paucos, qui de ſtirpe Regia vel Ducali aut magni Principis oriundi exiſtant, in quibus competens literatura ſufficiat, non fratres aut nepotes ex fratre vel ſorore alicujus Cardinalis viventis, nec de uno Ordine Mendicantium, ultra unum, non corpore vitiati, aut alicujus criminis aut infamiæ nota reſperſi. Nec fiat eorum electio per auricularia vota ſolummodo, ſed etiam cum conſilio Cardinalium collegialiter, ſicut in promotionibus Epiſcoporum fieri conſuevit. Qui modus etiam obſervetur, quando aliquis ex Cardinalibus in Epiſcopum aſſumetur: Niſi Dominus noſter pro utilitate Eccleſiæ & de conſilio majoris partis Cardinalium aliter uſque ad duos pro ſemel dumtaxat duxerit providendum. Die Lunæ XXI Martini anno Domini milleſimo quadringenteſimo decimo octavo in Seſſione Generali Concilii lecta & publicata per organum Domini Cardinalis ſancti Marci in ambone.

## *De Proviſione Eccleſiarum, Monaſteriorum, & Reſervationibus Sedis Apoſtolicæ, ac Collationibus Beneficiorum & Gratiis Expectativis, nec non de Confirmatione Electionum.*

SANCTISSIMUS Dominus noſter Papa Martinus V. ſuper proviſionibus Eccleſiarum, Monaſteriorum, & Beneficiorum quorumcumque, utetur reſervationibus Juris ſcripti & Conſtitutionis, *Execrabilis*, & *Ad regimen*, modificatæ, ut ſequitur: Ad regimen Eccleſiæ Generalis quamquam immeriti ſupernâ diſpoſitione vocari gerimus in noſtris deſideriis ut debemus, quod per noſtræ diligentiæ ſtudium ad quarumlibet Eccleſiarum & Monaſteriorum regimina & alia Beneficia Eccleſiaſtica juſta divinum beneplacitum & noſtræ intentionis affectum *Viri aſſumantur idonei, qui proſint & præſint* committendis eis Eccleſiis, Monaſteriis & Beneficiis prælibatis. Præmiſſorum nempe conſideratione inducti & ſuadentibus nobis aliis rationabilibus cauſis, nonnullorum Prædeceſſorum noſtrorum Romanorum Pontificum veſtigiis inhærentes, omnes Patriarchales, Archiepiſcopales, Epiſcopales, Eccleſias, Monaſteria, Prioratus, Dignitates, Perſonatus & Officia, nec non Canonicatus & Præbendas ac Eccleſias, ceteraque Beneficia Eccleſiaſtica, cum cura vel ſine cura, ſecularia & regularia, quæcunque & qualiacunque fuerint, etiamſi ad illa perſonæ conſueverint vel debuerint per electionem vel quemvis alium modum aſſumi, tunc apud Sedem Apoſtolicam quocunque modo vacantia & impoſterum vacatura, nec non per *depoſitionem* vel *privationem* ſeu *tranſlationem*, per nos ſeu auctoritate noſtrâ factas, & in antea fiendas, *ubilibet*: Nec non ad quæ aliqui in concordia vel diſcordia electi vel poſtulati fuerint, quorum electio caſſata, ſeu poſtulatio repulſa, vel per eos facta renunciatio & admiſſâ auctoritate noſtrâ extiterit, ſeu quorum

rum electorum vel poſtulatorum & in antea eligendorum vel poſtulandorum electorum caſari, vel poſtulationem repelli aut renunciationem admitti per nos vel auctoritate noſtrâ contingeret, apud Sedem Apoſtolicam vel alibi, quocumque, & etiam per obitum Cardinalium ejuſdem Romanæ vel Officiariorum dictæ Sedis, *quam diu* ipſa Officia actualiter tenebunt, videlicet Vice-Cancellarii, Camerarii, ſeptem Notariorum, Auditorum literarum contradictarum, & Apoſtolici Palatii cauſarum Auditorum, Correctorum, centum & unius Scriptorum Literarum Apoſtolicarum, & XXIV Pœnitentiariæ præfatæ Sedis, & XXV Abbreviatorum Sedis ejuſdem, nec non verorum commenſalium noſtrorum,& aliorum,XXV Capellanorum Sedis ejuſdem, in *Pictacio* deſcriptorum, & etiam quorumcunque Legatorum ſeu Collectorum, ac in terris Romanæ Eccleſiæ Rectorum & Theſaurariorum, aut miſſorum hactenus, deputatorum ſeu deputandorum, aut mittendorum, impoſterum vacantia & in antea vacatura, ubicumque dictos Legatos vel Collectores ſeu Rectores aut Theſaurarios, antequam ad Romanam Curiam redierit, ſeu venerint, rebus eximi contigerit ab humanis : Nec non quorumlibet pro quibuſcunque negotiis ad Romanam Curiam venientium, vel etiam recedentium ad eadem, ſi in locis *à dicta Curia* ultra duas *dietas* legales non diſtantibus jam forſan obierint, vel eos in antea tranſire de hac luce contigerit. Ac etiam ſimili modo quorumcumque curialium, peregrinationis, infirmitatis aut recreationis, ſeu aliâ quâcunque cauſâ ad quævis loca ſecedentium, *ſi, antequam* ad dictam Curiam redierint, in locis, ultra duas dietas ab eadem Curia, ut præmittitur, non remotis, dummodo eorum proprium domicilium non exiſtat, jam forſan deceſſerint, vel in poſterum eos contigerit de medio ſubmoveri, nunc per obitum hujuſmodi vacantia & in poſterum vacatura: Rurſus Monaſteria, Prioratus, Decanatus, Dignitates, Perſonatus, Adminiſtrationes, Officia, Canonicatus, Præbendas & Eccleſias, cereraque Beneficia Eccleſiaſtica, Secularia & Regularia, cum cura vel ſine cura, quæcunque vel qualiacunque fuerint, etiamſi ad illa perſonæ conſueverint ſeu debuerint per electionem ſeu quemvis alium modum aſſumi, quæ promoti per nos vel auctoritate noſtra ad Patriarchalium, Archi-Epiſcopalium vel Epiſcopalium Eccleſiarum, nec non Monaſteriorum regimen, obtinebunt tempore promotionum de ipſis factarum, nunc quocunque modo vacantia ſeu in poſterum vacatura:

Nec non etiam, quæ per aſſecutionem pacificam quorumcunque Prioratuum, Perſonatuum, Officiorum, Canonicatuum, Præbendarum, Eccleſiaſticorum ac Beneficiorum aliorum, per nos ſive auctoritate literarum noſtrarum immediatè collatorum, ſeu conferendorum in poſterum, præterquam ſi virtute Gratiæ Expectativæ aſſecutio fiat, nunc vacantia & in antea vacatura : Plena ſuper præmiſſis omnibus & ſingulis cum fratribus noſtris collatione præhabitâ, & maturâ deliberatione ſecutâ, *ordinationi*, diſpoſitioni ac proviſioni noſtræ, *uſque ad quinquennium*, de ipſorum fratrum noſtrorum conſilio, Auctoritate Apoſtolicâ reſervamus. Decernentes ex nunc irritum & inane, ſi ſecus ſuper præmiſſis & quolibet eorundem per quoſcunque quâvis auctoritate ſcienter vel ignoranter contigerit attentari. Non obſtantibus quibuſcunque Conſtitutionibus, à Predeceſſoribus noſtris Romanis Pontificibus editis, quatenus obſtitere poſſent ſuperius enarratis articulis, vel alicui ſeu aliquibus eorundem,

dicto

dicto *quinquennio* durante. Alias autem Conſtitutiones & Reſervationes contrarias per nos factas ſeu in Cancellaria ſervari mandatas revocantes. Nulli ergo hominum liceat, &c.

In ceteris verò Eccleſiis & Abbatiis fient electiones Canonicæ. De Abbatiis autem, Sedi Apoſtolicæ non immediatè ſubjectis, quarum fructus, ſecundùm taxationem decimæ, cc librarum Turonenſium parvorum, in Italia verò & Hiſpania LX librarum Turonenſium parvorum valorem annuum non excedunt, fiant confirmationes aut proviſiones canonicæ per illos, ad quos aliàs pertinet, nec communia nec minuta pro eis ſolventur ſervitia.

De Abbatiis verò excedentibus ſummas prædictas, nec non Cathedralibus Eccleſiis, electiones ad Sedem Apoſtolicam deferentur, quas ad tempus conſtitutum in Conſtitutione Nicolai III. quæ incipit *Cupientes*, Papa exſpectet. Quo facto, ſi non fuerint præſentatæ, vel, ſi præſentatæ, minùs canonicæ fuerint, Papa provideat. Si verò canonicæ fuerint, Papa eas confirmet. Niſi ex cauſa rationabili & de fratrum conſilio aliter duxerit providendum. Proviſo, quod confirmati, & proviſi per Papam, nihilominùs Metropolitanis & aliis præſtent debita juramenta, & alia, de quæ de jure vel conſuetudine tenentur. De ceteris autem Beneficiis, ſalvis Reſervationibus jam dictis, majoribus Dignitatibus poſt Pontificales in Cathedralibus, & principalibus in Collegiatis, & Prioratibus, Decanatibus ſeu Præpoſituris conventualibus, habentibus numerum x Religioſorum, jure ordinario provideatur per Prælatos, & alios Proviſores inferiores, ad quos aliàs pertinet, nec computentur in turno ſeu vice eorum.

De aliis quibuſcunque Dignitatibus, Officiis & Beneficiis, medietas ſit in diſpoſitione Papæ, alia medietas in diſpoſitione Collatorum, Patronorum & conſtituentium Ordinariorum, ſeu Proviſorum. Et alternatis vicibus unum cedat Apoſtolico, & aliud Collatori, Patrono aut Proviſori. Ita quod per quamcunque aliam, aut prærogativas, ultra prædictas vel alias diſpoſitiones Apoſtolicas, ſeu Gratias Expectativas, non fiat Collatori, Patrono vel Proviſori præjudicium in dicta medietate.

Ubi autem in his quæ cedunt ſub Expectativis non apparet aliquis exſpectans, infra menſem ligitimè acceptans, & proviſus, intra tres menſes Collatorem ſeu ejus Vicarium certificans, à die notæ vacationis in loco Beneficiis, is, ad quem pertinet, conferat ſeu diſponat, diſpoſitioque medio facta tempore valeat, nec ei computetur in ſua vice.

Item Beneficia vacantia per reſignationem ſimplicem non cadent ſub Expectativis. Et iſta & illa, quæ ex cauſa permutationis conferentur, neutri parti computentur. Quia circa qualitates graduatorum nobiliumque & literatorum, ad effectum promotionis eorum, ad Dignitates, Honores & Beneficia Eccleſiaſtica, quorum ſuffragiis indigere noſcitur Eccleſia, *nondum* haberi potuit *plenaria concordia*, Dominus noſter cum deputandis ad hoc per Nationes ſingulas, quantum fieri commodè poterit, providebit.

## *De ANNATIS.*

SANCTISSIMUS Dominus noſter, penſatis guerrarum cladibus atque variis diſpendiis, quibus, proh dolor! Regnum Franciæ his temporibus concutitur, pio ei compatiens affectu, non vult nec intendis

levari ſeu percipi ultra medietatem fructuum primi anni ſeu communium & minutorum ſervitiorum, Eccleſiarum ſeu Abbatiarum, quæ in ipſo Regno & Provincia Delphinatus in poſterum vacabunt *uſque ad quinquennium*, quam medietatem vult levari atque exſolvi pro media parte infra octo menſes, à die habitæ poſſeſſionis pacificæ computandos, pro alia verò medietate infra alios octo menſes ſubſequentes. Et idem vult & intendit obſervari circa jam promotos & aſſumtos à tempore aſſumtionis ejuſdem. Nec debitum ejuſmodi in Succeſſorum in Eccleſia vel Monaſterio Monaſterium tranſeat. Si verò Eccleſia vel bis in anno vacaverit vel pluries, vult & ordinat, quod non ſolvatur, niſi ſemel commune ſervitium, ſed nec etiam minuta. De ceteris autem Dignitatibus, Perſonatibus, & Beneficiis, ſecularibus & regularibus, quibuſcunque, quæ auctoritate Sedis Apoſtolicæ conferentur, præterquam vigore Gratiarum Expectativarum aut cauſa permutationis, perſolvatur taxa fructuum ſecundum moderationem *Extravagantis*, *ſuſcepti regiminis*, Domini Joannis Papæ XXII pro medietate infra ſex menſes, à die poſſeſſionis pacificæ computandos, & pro medietate alia infra alios ſex menſes ſubſequentes. Et debitum hujuſmodi ad Succeſſorem in Beneficio non tranſeat. Nec aliquid ſolvatur de Beneficio, quod valorem XXIV florenorum non excedit. De Monaſteriis autem Monialium nihil penitus ſolvatur.

Quæ omnia in præſenti Capitulo contenta locum habeant pro tota Natione Gallicana. Exceptâ dumtaxat remiſſione communium & minutorum ſervitiorum. Debita temporis præteriti remittuntur pro medietate, ſolventibus aliam medietatem infra ſex menſes, quæ debita ſolvantur Collectoribus in Galliis, qui tamen non habeant aliquam coërcitionem, niſi in Galliis, ubi Dominus noſter diſponet.

Item, non intendit Dominus noſter, nec vult, quod Gratiæ Expectativæ ſe extendant ullo modo ad Officia Clauſtralia, quorum fructus IV librarum Turonenſium parvorum, oneribus ſupportatis, valorem annuum non excedunt, nec etiam ad Hoſpitalia, Xenodochia, Eleemoſynaria vel Leproſoria. Nec computentur in turno ſeu vice Collatorum ſeu Proviſorum.

## *De Cauſis in Romana Curia tractandis vel non.*

Cauſæ, quæ ad Forum Eccleſiaſticum de jure vel conſuetudine non pertinent, per Curiam Romanam non recipientur, de illis cognoſcendo in ipſa, vel extra committendo; niſi de conſenſu partium. Quæ verò ad Forum Eccleſiaſticum, ut præmittitur, pertinent, & de jure ſunt per appellationem aut aliter ad Romanam Curiam legitimè devolutæ, aut de ſui natura in illa Curia tractandæ, tractentur in illa. Ceteræ committantur in partibus. Niſi forte pro cauſarum aut pro perſonarum qualitate illas tractare in Curia expediret, pro juſtitia conſequenda, vel de partium conſenſu, in Curia tractentur. Matrimoniales tamen cauſæ in prima inſtantia, præterquam per appellationem, non committantur in Curia, niſi in caſibus proximè dictis.

Item *ad refrenandum temeritatem appellationes*, quæ ante definitivas ſententias interponuntur, ordinamus, quod injuſtè ſeu frivolè appellatum ad interlocutoria, ultra condemnatio-

nem

nem expenſarum, damnorum intereſſe, in xv florenos, ſi appellatio interponatur in Curia, & in viginti florenos, ſi de partibus ad Curiam, Parti appellanti condemnetur, & quòd ſuper eadem interlocutoria vel gravamine ſecundò appellare non liceat, niſi haberent vim definitivæ.

## *De* COMMENDIS.

ORDINAT idem Dominus noſter, quod impoſterum Monaſteria, aut magni Prioratus conventuales, quæ vel qui conſueverunt habere octo Religioſos in Conventu, Officia clauſtralia, Dignitates majores poſt pontificales in Cathedralibus, ſive Eccleſiæ Parochiales *nulli Prælato etiam Cardinali dentur in Titulum ſeu Commendam.* Niſi propter urgentem neceſſitatem, ad ſuccurrendum capiti, ſcilicet Eccleſiæ, vel Monaſterii Superiori, de membris Papa aliud cenſeret faciendum.

ITEM de Hoſpitalibus, Xenodochiis & Leproſoriis. Item de Beneficiis non aſcendentibus valorem quinquaginta florenorum, oneribus ſupportatis. Una autem Eccleſia, etiam Metropolitana, uni Cardinali vel Patriarchæ concedi poterit, proviſionem aliam non habenti ſufficientem Ubi verò aliqui Prælati eſſent expulſi ſine culpa ſua à Prælaturis ſuis, vel adeò diminuti, quòd non poſſent commodè videre, tunc Papa eis rationabiliter provideat.

## *De Indulgentiis.*

CIRCA Articulum *Indulgentiarum*, habitâ deliberatione maturâ nihil intendimus circa eas immutare ſeu ordinare.

## *De Diſpenſationibus.*

ORDINAT Dominus noſter, quod ad Eccleſias Cathedrales, Monaſteria, Prioratus Conventuales, aut Parochiales Eccleſias, ſuper defectu ætatis ultra triennium nullatenus diſpenſabit, niſi forte in Eccleſiis Cathedralibus ex arduâ & evidenti cauſa, de conſilio Cardinalium ſeu majoris partis illorum, videretur aliter diſpenſandum.

ITEM Dominus noſter *in gravibus & arduis cauſis* ſine conſilio Cardinalium non intendit *diſpenſare.*

ITEM ſanctiſſimus Dominus noſter & venerabilis Natio Gallicana voluerunt & proteſtati ſunt, quod per ordinationem & obſervantiam omnium & ſingulorum præmiſſorum nullum jus novum alicui eorum quæratur, aut præjudicium aliquod eis vel alteri ipſorum generetur. Ut auctoritate Apoſtolicâ & ſupremâ poteſtate ſemper ſalvis & illibatis remanentibus, ipſa venerabilis Natio Apoſtolica protectione & paterno regimine ſanctiſſimi Domini noſtri, immunitatibus atque privilegiis ſuis ſalvis, tranquillam agens vitam, liberius Deo poſſit famulari, ſemper parata ad devota obſequia ipſius ſanctiſſimi Domini noſtri. Et quòd tolerentur uſque *ad quinquennium proximum dumtaxat.* Et cuilibet volenti habere capitula prædicta vel aliquod eorum, in forma authentica, & ſub ſigillo Domini Vice-Cancellarii, dentur, taliter, quod fidem facere poſſint in quocunque judicio & extra.

HÆC

Hæc ita *Univerſitati veſtræ* tenore præſentium firmiter atteſtantes, eaſdem noſtras præſentes literas in eorum fidem & teſtimonium præfato Domino *Epiſcopo Attrebatenſi* conceſſimus, ſigilli noſtri munimine roboratis. Datum & actum *Conſtantiæ* provinciæ Moguntinæ, in domo habitationis noſtræ, *die octava menſis Maii*, ſub anno à Nativitate Domini MCCCCXVIII & Pontificatus prædicti.

Sign. Bobeunius.

(Lobennius)

## *Prærogativa* in obtinendis Beneficiis, *Univerſitati Pariſienſi conceſſa per Dominum Martinum Papam quintum.*

*SANCTISSIMUS Dominus noſter, Dominus Martinus Papa quintus, in favorem & pro incremento* Univerſitatis ſtudii Pariſienſis, *voluit & ordinavit, quod hâc vice duntaxat, in Theologia & Decretis* Doctorious, *Medicina & Artibus Magiſtris, in rotulo dicti Studii, per eundem Dominum noſtrum ſub data* 4. *Kal. Februarii, Pontificatus ſui anno primo, ſignato, deſcriptis, & in eodem ſtudio actu & fine fraude per ipſam Univerſitatem præſentibus reputatis, & cum etiam in eodem ſtudio huiuſmodi honorem, gradum & gradus receperint*, in aſſecutione beneficii ſeu beneficiorum, *quod ſeu quæ vigore gratiarum, eis in dicto rotulo factarum, expectant, vel in antea expectabunt*, nulli alii ſive alias *ſub quacunque dati, pari aut majori, qui ab eodem Domino noſtro gratias expectativas ſub quacunque forma verborum obtinuerint, ſeu in futurum obtinebunt, etiamſi per eas & earum auctoritate quarumcunque Eccleſiarum Canonici creati, aut in eis in Canonicos ſub expectatione Præbendarum recepti exiſtant*, præjudicare valeant, *nec* eis *aliquo modo* preferri.

*Sedis Apoſtolicæ Protonotarius, Auditore contradictarum, Correctore literarum Apoſtolicarum, Subdiaconis, Referendariis, quatuor Cubiculariis, & totidem Secretariis, ac quinque Acolutis ipſius Domini noſtri, à Cancellaria nominandis, unico Cameræ Apoſtolicæ, & omnibus Palatii Apoſtolici cauſarum Auditoribus, veriſque familiaribus ipſius Domini noſtri Papæ, per eum pro talibus reputatis, ſingulorum quoque ſanctæ Romanæ Eccleſiæ Cardinalium ſingulis triginta familiaribus domeſticis, continuis commenſalibus, in ipſorum Domini noſtri & Cardinalium primis ac principalibus rotulis deſcriptis & per eoſdem Cardinales in Cancellaria prædicta declarandis: Singulis duabus Eccleſiaſticis perſonis, qui in Concilio, in quo idem Dominus noſter electus fuit, ſingulis in eo exiſtentibus Dominis Cardinalibus & aliis Prælatis ac Perſonis Eccleſiaſticis ad celebrandam electionem Romani Pontificis deputatis ſervierunt: Singulis quoque duodecim Præſidentibus in Cancellaria, ſub ſanctæ Romanæ Eccleſiæ Provicancellario, familiaribus, commenſalibus, ſcriptoribus literarum Apoſtolicarum, qui tamen è Regno Franciæ oriundi, vel in aliquo generalium ſtudiorum ipſius gratiam exhibuerint, nec non viginti quatuor duntaxat eorundem literarum Abbreviatoribus, oriundis ſimiliter de dicto Regno, vel ſaltem de Diœceſibus ad ipſum ſe pretendentibus, ſimili modo in aliquo ſtudiorum huiuſmodi graduatis, in dicta Cancellaria nominandis: Dominorum Cardinalium nepotibus & fratribus:* Imperatorum, Regum, Ducum, Marchionum & Comitum filiis, fratribus & nepotibus: *Iſquper Regum, Reginarum, Delphini Viennenſis, & ſingulis ſingulorum Ducum, ſcilicet Burgundiæ,*

*gundiæ, Aurelianenſis, Brabantiæ, Britanniæ, Borboniæ, & Sabaudiæ Procuratoribus, in Romana Curia continuè reſidentibus : Familiaribus etiam* domeſticis, *actu & continuè ſervitiis inſiſtentibus*, Imperatorum, Regum, *Reginarum, Delphini & Ducum prædictorum*, & uxorum eorumdem, *in primis & principalibus ſuis rotulis inſcriptis, qui tempore datæ præſentium gratiarum, eis per eundem Dominum noſtrum conceſſarum aut concedendarum, fuerint Beneficiorum Eccleſiaſticorum capaces : Aut etiam* Imperatorum, Regum, Ducum, Marchionum & Comitum, *ac Communitatum, propriis de ſe regimen habentium*, primis Ambaſſiatoribus, ad Dominum noſtrum deſtinatis : *Pariterque Univerſitatem quorumcunque generalium ſtudiorum Ambaſſiatoribus & Nuntiis, qui in præfato Concilio pro Eccleſiaſtica pace & ſtatu univerſalis Eccleſiæ ſe præſentaverunt : Ac etiam illis, qui conſuetos & ordinarios rotulos ipſorum ſtudiorum, ſeu de ipſis, eidem Domino noſtro præſentaverunt, vel in poſterum præſentabunt : Gentibus quoque Eccleſiaſticis, Regium Parlamentum Pariſiis tenentibus, & ſingulis filiis non Eccleſiaſticis, dumtaxat* exceptis.

*Prædictos tamen* Ambaſſiatores *& Nuntios, aut alias quaſcunque perſonas ſuperius expreſſas, quibus forſan idem Dominus noſter fecit aut gratias expectativas ad duo & plura Beneficia ad vitam, & diverſas collationes, ſive virtute unius & ejuſdem gratiæ, ſive virtute diverſarum, ſeu extenſionis unius gratiæ & diverſarum, Voluit idem Dominus noſter præfatis Doctoribus & Magiſtris, etiamſi alias veniant præferendi, niſi* quoad unum Beneficium, *quocunque tamen ordine numeri aſſequendum*, præferri, *Canonicatu & Præbenda & Dignitate, perſonatu, adminiſtratione & officio, pro unico Beneficio computatis.*

*Voluit inſuper idem etiam Dominus noſter & ordinavit, quod ſi alicui & aliquibus* per importunitatem petentium *aut alias conceſſit ſe concederet in futurum prærogativæ derogatoriam ſub quavis verborum forma, per quam in aliquo præjudicium generaretur, vel derogari poſſet Doctoribus & Magiſtris præfatæ Univerſitatis, ſeu alicui ex eis, ad quos extenditur dicta prærogativa, illis nullum præjudicium afferri poſſit nec valeat, ſed quoad ipſos caſſa ſit & irrita. Niſi Dominus noſter de prærogativa Univerſitatis ſpecialem in literis Apoſtolicis fecerit mentionem. Quod tamen ultrà numerum quinquaginta perſonarum facere & aliquo modo concedere non intendit.*

AN-

# ANGLICANÆ NATIONIS ET MARTINI V. PAPÆ CONCORDATA,

Quoad ſupremi Eccleſiaſtici regiminis emendationem.

*In Conſtantienſi Concilio, ſub illius finem, A.* 1418.

conſcripta atque publicata.

Ex antiquiſſimo Codice MSCto Anglicano

BIBLIOTHECÆ ACADEMIÆ CANTABRIGIENSIS.

Apud Vonder Hardt, T. I. p. 1079. (6)

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## PRÆFATIO ac TESTIMONIUM JOANNIS, EPISCOPI OSTIENSIS, Cardinalis & Vice-Cancellarii.

UNiverſis & Singulis JOANNES, *miſeratione divina* EPISCOPUS OSTIENSIS, *Sanctæ Rom. Eccleſiæ* CARDINALIBUS ac VICE-CANCELLARIUS, Salutem in Domino, & præſentibus fidem indubiam adhiberi.

SI juxta laudabilem antiquorum ſententiam & providum ſapientum conſilium dignum eſt, ea, quæ majorum conſultiſſima providentia in Subditorum gratiam & commoda geruntur, ſcripturæ teſtimonio redigere: Dignum per conſequens & rationi conſentaneum, ut adeo nota ſit eorum veritas, quod inde nec deſit pacificis opportuna proviſio, nec uſquam perverſis ſub ignorantia variandi ſupina facultas relinquatur.

*Concordata inter Martinum V. & Anglos in Conſtantienſi Concilio facta. In libro Cancellariæ recepta, A.* 1418.

CUM itaque nuper *inter* Sanctiſſimum in Chriſto Patrem & Dominum noſtrum, Dominum MARTINUM, divina providentia Papam quintum, & Reverendos Patres, Prælatos, necnon egregios & circumſpectos viros, Ambaſſiatores, Procuratores, Doctores & Magiſtros, ceteroſque, *venerabilem* NATIONEM ANGLICANAM, *in Generali Conſtantienſi Concilio repræſentantes & facientes*, nonnulla CAPITULA CONCORDATA, & ab utraque

*d. 12 Julii. Roberto de Nevilli Concordata Anglicana sunt exhibita.*

parte ſponte ſuſcepta: Nec non de dicti Domini noſtri Papæ mandata *in libro Cancellariæ* Sanctæ Romanæ Eccleſi, in quo Romanorum Pontificum Conſtitutiones & Ordinationes ſolent conſcribi, ad futuram rei certitudinem, nobis operam dantibus, prout ad noſtrum ſpectat officium, *die XII. menſis Julii:* Pontificatus dicti Domini noſtri Papæ Anno I. *conſcripta* fuerunt: Adjecto, quod ſub noſtrarum literarum teſtimonio indigens quiſque ſibi *teſtimonium* ſumere valeat in toto, vel in ea parte, qua indiguerit eorumdem: Nos igitur, ad Venerabilis Viri, *Roberti de Nevilli, Canonici Eccleſiæ Eboracenſis, Parochialis Eccleſiæ de Spoffoord Rectoris*, inſtantiam, CAPITULA hujuſmodi, ut præfertur, *CONCORDATA*, & ſponte ſuſcepta, *ex integro* ex libro prædicto *de verbo ad verbum* fideliter *tranſcribi*, & præſentibus annotari facimus. Quorum tenor ſequitur ad hunc modum.

## CAP I.

### *De numero & Natione Cardinalium.*

*Numerus Cardinalium ſit moderatus.*

INPRIMIS, quod *numerus Cardinalium* ſanctæ Romanæ Eccleſiæ adeo ſit *moderatus*, quod *non* ſit *gravis Eccleſiæ*, nec nimia numeroſitate vileſcat.

*Ex omnibus regnis eligendi Cardinales.*

QUI indifferenter *de omnibus regnis* & Provinciis, totius Chriſtianitatis, ac cum conſenſu & aſſenſu Collegii Dominorum Cardinalium, vel majoris partis eorumdem, *eligantur* & aſſumantur.

## CAP. II.

### *De INDULGENTIIS.*

*Indulgentiarum olim abuſus in Anglia.*

ITEM, Quod, cum *occaſione* diverſarum *indulgentiarum*, ac literarum facultatum à Sede Apoſtolica conceſſarum, *ad abſolvendum* quoſcunque viſitantes, ſive offerentes in certis locis, & *queſturarum* quamplurimarum, *quæ in Anglia plus ſolito nunc abundant*, nonnulli peccandi audaciam frequenter aſſumant, ac contemtis ſuis propriis Curatis, & Eccleſiis ſuis parochialibus dimiſſis, ad ipſa loca *ſpe indulgentiarum* & confeſſionum accedunt, decimas, oblationes & debita dictarum Eccleſiarum Parochialium ſubtrahunt, ſeu ſolvere differunt minus juſte: *Committatur Diocesanis Diœceſanis locorum, ad inquirendum ſuper qualitate earum, cum poteſtate ſuſpendendi* omnino auctoritate Apoſtolica illas, quas invenerint *ſcandaloſas*, & illas denunciandi Papæ, ut illas revocet, &c.

*Diœceſani inquirant in indulgentias ad-vectas.*

CAP.

## CAP. III.

### De Appropriationibus, Unionibus, Incorporationibus, Eccleſiarum & Vicariatuum.

ITEM, De cetero *nullæ fiant Appropriationes Eccleſiarum* Parochialium motu proprio: Sed *committatur Epiſcopis locorum* ad inquirendum de veritate ſuggeſtionum. Et in eventum, quo per debitam & juridicam notionem conſtare poterit, *quod cauſæ Appropriationum deſint*, legitime procedatur ad Appropriationem, *prout fuerit juris illarum Ordinariorum.*

*Appropriationes Eccleſiarum ſublatæ.*

QUÆ jam ſunt *ſortitæ effectum, nulla fiat*, ſi ex revocatione ſequi poſſit ſcandalum.

ALIAS vero committatur, quod *inquirant*, &c. Et quas invenerint fieri merito non debuiſſe, vocatis tunc ad hoc vocandis, *caſſent*, &c.

*Uniones Vicariarum perpetuarum revocatæ.*

ITEM, Omnes *uniones, incorporationes, appropriationes & conſolidationes Vicariarum perpetuarum* in Eccleſiis Parochialibus, ex quibuſcunque cauſis factæ à tempore ſchiſmatis, indiſtincte *revocentur*, & *Vicarii perpetui* in iiſdem per Ordinarios locorum hac vice ordinentur & inſtituantur.

*Vicariæ perpetuæ ſit in Eccleſiis Parochialibus.*

AC in ſingulis Eccleſiis Parochialibus ſit *unus Vicarius perpetuus*, qui curæ inſiſtat animarum, bene & competenter dotatus, pro hoſpitalitate ibidem tenenda, & omnibus debitis ſupportandis.

LITERIS Apoſtolicis, & Ordinariorum compoſitionibus, ſtatutis, & conſuetudinibus, ac aliis in contrarium factis, non obſtantibus quibuſcunque.

## CAP. IV.

### De ornatu Pontificali inferioribus Prælatis non concedendo.

ITEM, omnia *privilegia*, citra obitum felicis recordationis Gregorii Papæ XI. conceſſa Prælatis inferioribus *de utendo Pontificalibus*, ſcilicet *Mitris, Sandaliis*, & hujuſmodi ad Dignitatem Pontificalem pertinentibus, *revocentur.*

QUÆ vero ante obitum ipſius Gregorii conceſſa fuerint, in ſuo robore permaneant & effectu.

## CAP. V.

### De DISPENSATIONIBUS.

*Diſpenſationes ſuper pluralitate Beneficiorum prohibitæ.*

ITEM, Licet *pluralitas Beneficiorum* canonibus exoſa exiſtat, aut ſuper ea *diſpenſationes*, jure hoc dicente, fieri non debeant, niſi perſonis nobilibus & viris eximiæ liberalitatis: Nunc tamen in Curiis Dominorum, tam ſpiritualium quam temporalium, tales diſpenſationes irrepſerunt: Præmiſſa, ſeu eis conſimilia: De cetero *non fiant*, ſed in præmiſſis ſervetur Concilium Generale.

ILLÆ tamen, quæ ſunt ſortitæ effectum,

fectum, in ſuo robore permaneant. Niſi forte aliquæ fuerint & ſint *ſcandaloſæ*. De quibus fieri mandamus conceſſionem locorum Ordinariis, & Ordinarii certificent, & *revocentur ſcandaloſæ*.

ITEM, Quia modernis temporibus plus ſolito cum diverſis perſonis, *infra Regnum & Dominia prædicta* beneficia curata obtinentibus, per Sedem Apoſtolicam *contra jura communia diſpenſatum* exiſtit, *ut per tres, quatuor, quinque, ſex & ſeptem annos*, vel ultra, aut in perpetuum Beneficiati prædicti ipſa Beneficia poſſidere & occupare valeant, ſic *ut ad Ordines debitos interim ordinari minime teneantur*, in grave ſcandalum Eccleſiæ, &c. Omnes *diſpenſationes* hujuſmodi indiſtincte *revocentur*.

*Diſpenſationes de ſacris Ordinibus vetitæ.*

ET Beneficiati hujuſmodi ordinationi juris communis in hac parte omnino ſubdantur. Si tamen Beneficiati prædicti ſint alias habiles ad hujuſmodi ordines ſuſcipiendos.

ITEM, Quia, propter *diſpenſationes* Sedis Apoſtolicæ, nonnullis perſonis infra Regnum & Dominia prædicta, *ſuper non reſidentia*, nec non Archidiaconis ad viſitandum per procuratores, factas, non ſolum animarum cura negligitur, ſed etiam poteſtas Epiſcopalis per impetrantes diſpenſationes hujuſmodi contemnitur: *Nullæ diſpenſationes deinceps fiant abſque cauſa rationabili & legitima*, in Literis diſpenſationum hujuſmodi exprimenda.

*Diſpenſationes de non reſidendo in Eccleſia, repudiatæ.*

CONCESSÆ autem abſque cauſa rationabili, ſive legitima, *revocentur*. De quibus fiat commiſſio Ordinariis.

ITEM omnes *Literæ facultatum conceſſæ Religioſis* quibuſcunque, *infra Regnum & Dominia prædicta*, de obtinendo Beneficia Eccleſiaſtica, curata vel non curata, quæ non ſunt ſortitæ effectum, indiſtincte revocentur.

*De Officiis Eccleſiaſticis Monachis conferendis.*

ABSTINEATUR de cetero ab hujuſmodi literis facultatum concedendis.

## CAP. VI.

### *De Anglis ad Officia Romanæ Curiæ aſſumendis.*

ITEM, Quod aliqui etiam *de Natione Anglicana*, dummodo tamen ſint idonei, *ad ſingula Officia Curiæ Romanæ aſſumantur* una cum aliis, de ceteris Nationibus, indifferenter, &c.

### *Concluſio & repetitum Teſtimonium Joannis Oſtienſis, Cardinalis & Vice-Cancellarii.*

ITEM, Quod ſuper omnibus & ſingulis præmiſſis Dominus noſter ſummus *Pontifex* mandet & fieri faciat prædictæ *Nationi Anglicanæ* unam vel plures, ac tot, quot fuerint requiſitæ, *Literas* ſuas *Bullatas*, in bona forma, ac gratiis de Mandato, ad perpetuam rei memoriam.

*Literæ bullatæ de his Conceſſionibus Anglis dandæ.*

HÆC itaque Univerſitati veſtræ tenore præſentium firmiter atteſtantes, eaſdem noſtras Literas præſentes, in horum fidem & teſtimonium, præfato *Roberto Nevilli* conceſſimus, noſtri Sigilli munimine roboratas.

DATUM *Gebennis*, in Domo habitationis noſtræ, ſub *Anno à Nativitate Domini MCCCCXLVIII.* Indictione XI die vero *XXI menſis Julii*. Pontificatus præfati Domini noſtri Papæ Anno I.

*Subſcriptio Joannis Oſtienſis, Cardinalis & Vice-Cancellarii.*

# FORMULA OBLIGATIONIS

## *Servata in Camera Apoſtolica.*

Apud Vonder Hardt, T. I. p. 726. (*)

PRIMO rubricet Forma obligationis Patriarchæ, Archiepiſcopi, vel Epiſcopi, aut Electi, quando in propria forma ſequitur: Vos, Domine Patriarcha, Archiepiſcope, Epiſcope, aut Electe, de licentia & auctoritate Apoſtolica, vobis in hac parte conceſſa, gratis & ſponte offertis, dare promittis & donatis, pro veſtro communi ſervitio Cameræ Sanctiſſimi in Chriſto Patris & Domini Domini, &c. ALEXANDRI PAPÆ V. & ſacro Collegio Reverendiſſimorum in Chriſto Patrum, Dominorum Sanctæ Romanæ Eccleſiæ Cardinalium, videlicet, &c. Florenos auri de Camera, boni & legitimi ponderis, & quinque ſervitia conſueta, pro Familiaribus & Officialibus Domini noſtri Papæ, & Dominorum Cardinalium prædictorum. Item recognoſcitis eiſdem Cameræ & Collegio ac Familiaribus, & Officialibus, omnes illas pecuniarum quantitates, in quibus prædicta veſtra Eccleſia in libris ipſorum Cameræ & Collegii, per aliquorum Prædeceſſorum veſtrorum perſonas obligata eſt. Quos quidem florenos cum quinque ſervitiis & recognitis ſupradictis, promittis reddere & ſolvere realiter cum effectu, in Romana Curia, ubicunque fuerit, videlicet Reverendiſſimis in Chriſto Patribus & Dominis Dominis, miſeratione divina Henrico Epiſcopo Sabinenſi, & Amedæo Sanctæ Mariæ novæ Diacono Neapolitanenſi, & de Saluciis, vulgariter nuncupatis, ſanctæ Romanæ Eccleſiæ Cardinalibus, & Franciſco miſeratione eadem Archiepiſcopo Narbonenſi, Domini noſtri Papæ & ſacri Collegii Cardinalium Camerario, vel eorum Succeſſoribus, vel Deputatis ab eis, medietatem ſcilicet in feſto, &c. & aliam medietatem in feſto, &c. Recognita vero in alio ſimili feſto, &c. Quod ſi debito loco & terminis dictam florenorum ſummam, & quinque ſervitia conſueta, & recognita ſupradicta non ſolvatis, ut dictum eſt, promittatis redire ad Romanam Curiam infra quatuor menſes, poſt elapſos terminos hujuſmodi vel alterum eorumdem immediate ſequentem, & coram dictis Dominis Camerariis ſeu eorum Succeſſoribus aut Deputatis ab eis, perſonaliter comparere, & inde non recedere donec per vos fuerit de prædictis integraliter ſatisfactum. Super hos obligatis vos vel Eccleſiam veſtram, & Succeſſores veſtros, ac omnia bona Eccleſiæ veſtræ mobilia & immobilia, præſentia & futura, ubicunque ſint & conſiſtant. Et ut ſitis vinculo fortioris obligationis adſtricti, ſubmittitis vos, & ſucceſſores veſtros juriſdictioni & coërcitioni dictorum Dominorum Camerariorum, & cujuſlibet eorum in ſolidum, ac etiam ſucceſſorum ſuorum & deputandorum ab eis. Et de voluntate veſtra qui hoc vultis & petitis, & hanc juriſdictionem in eos porrigitis, præfati Domini Camerarii, & quilibet eorum, eandem juriſdictionem in ſe ſuſcipientes, & ſuſcipiens in loco mandatum faciunt & præceptum, ut de re confeſſata de ſolvendo dictam florenorum ſummam, & quinque ſervitia ac recognita ſupradicta, de revenien-

do ad Romanam Curiam, & de non recedendo

recedendo ab ea abſque ſatisfactione, & quod omnia alia & ſingula ſupra dicta efficaciter compleatis & attendatis. Quod ſi non feceritis, ſuſpenſionem ab adminiſtratione ſpirituum & temporalium dictæ Eccleſiæ, & ab executione Pontificalium, & majoris excommunicationis ſententias, ex nunc prout ex tunc, in vos Canonica monitione præmiſſa proferunt in his ſcriptis: Comminantes nihilominus dicti Camerarii, & quilibet eorum, ſe contra vos, dictum Dominum Patriarcham, Archiepiſcopum, Epiſcopum vel Electum, proceſſuros, & proceſſurum, abſque alia vocatione ſeu monitione, ad graviores pœnas & ſententias ſpirituales & temporales, & aggravationes earum, prout eis ſeu eorum alteri placuerit ſeu viſum fuerit expedire: Et quod vos denunciabunt, & denunciari facient per ſe, vel per alium, ſeu alios, excommunicatum, ſuſpenſum, perjurum, & aliis pœnis & ſententiis adſtrictum, quas propter hoc in vos duxerint proferendas. Et vos, Domine Patriarcha, Archiepiſcope, Epiſcope, vel Electe, renunciatis ſuper his omnibus Literis, Privilegiis, Indulgentiis Apoſtolicis impetratis vel impetrandis, conceſſis vel concedendis quibuſcunque, & Beneficio appellationis, & reſtitutionis in integrum, ac omni foro, uſui, præſcriptioni, & juri revocandi donum, & omni auxilio Juris Canonici & Civilis: per quod, contra præmiſſa de jure vel de facto venire poſſetis, vel aliquod præmiſſorum. Et omnia præmiſſa juratis ad ſancta Dei Evangelia tenere, ſervare, approbare, & in contrarium non venire, indirecte, per vos vel alium vel alios. Si vero ante ſatisfactionem hujuſmodi vos contingat mori, cedere vel transferri, & ille vel illi qui ad regimen ipſius Eccleſiæ vobis ſubſtitutus, ſubſtituti fuerint infra quatuor menſes, poſt ſubſtitutionem & dictæ Eccleſiæ poſſeſſionem adeptam, de florenis & ſervitiis & recognitis ſatisfacere non curaverit ſeu curaverint, ex nunc prout ex tunc, eadem pœnas & ſententias in eoſdem ſubſtitutos, & eorum quemlibet infligunt & proferunt in his ſcriptis, prout dictum eſt & narratum, auctoritate dictorum Dominorum meorum Cardinalium, & noſtra proferimus in his ſcriptis, & vos, Dominum Patriarcham, Archiepiſcopum, Epiſcopum, vel Electum, volentem, petentem, & requirentem, ad prædicta recitata condemnamus. Et nihilominus monemus vos ſemel, ſecundo, tertio, & peremptorie, ac ſub excommunicationis pœna, ut prædicta adimpleatis, attendatis, & obſervetis: Alioquin excommunicationis ſententiam in vos proferimus in his ſcriptis. Et vos, Domine Patriarcha, Archiepiſcope, Epiſcope, vel Electe, vultis, quod per nos Clericos, vel Notarios Cameræ, qui fuimus hîc præſentes, de præmiſſis omnibus & ſingulis fiant unum vel plura publica inſtrumenta.

COPIA

# COPIA LITTERARUM

## REGIS SIGISMUNDI

### *Ad Barones Bohemiæ foventes memoriam Hus. Anno* 1417. (8)

SIGISMUNDUS Romanorum & Ungariæ, &c. Rex, Nobilibus Latzkoni de Crauvarn, Capitaneo Marchionatus, Botzkoni de Cunſtat alias de Podiebrat, Czenkoni de Wartenberg, & ſingulis aliis Baronibus, Militibus, Clientibus ; per Regnum Bohemiæ & Marchionatum Moraviæ ad hanc partem colligatis fidelibus nobis dilectis Gratiam regiam, & omne bonum. Nobiles fideles dilecti bene noſtris memorialibus inſidet, qualiter ante tempora Regnum Bohemiæ & terra Moraviæ guerris aggravatæ fuerunt. Etiam vos bene notatis quomodo circumcirca vicini ſupradictis terris, non multum boni ſavent, & ſi fortaſſis aliqualis ipſis daretur occaſio, libenter in ipſas & in ipſos vice verſa manus emitterent. Denique fideles dilecti audivimus & quotidiana relatione audimus (quod ædepol dolenter ſcribimus) quomodo vos Domini in Bohemia & in Moravia divitiones facitis, partes fovetis & diſponitis; neſcimus tamen quare. Et fortaſſis ſi vicini circumſedentes bene vellent, vos tamen inter voſmet ipſos diſponitis & cogitatis illas terras guerris deſtruere. De quo ſummè dolemus, quia intelligimus, imò cognoſcimus, in jacturam & præjudicium dignitatis Sereniſſimi & chariſſimi Fratris noſtri vergere. Verùm antiquitùs ſic deductum eſt, quòd nullus Dominorum in Regno præter voluntatem Regiam deberet aliquas ligas ſeu fœderationes inire neque facere. Sed ſi unus ad alterum aliqualem actionem ſe habere prætenderet, hoc deberet coram Regia Majeſtate, & juris tramite, ſed non guerris diſcuti & diſcerni. Si verò hoc facitis propter Magiſtrum Joannem Hus (nam, ſicut percipimus, alii partem Hus fovetis, alii verò non) ſcire velitis ut cùm Hus primò in Bohemia nominatus fuit, noſque intelleximus quod propter ipſum partialitates incœperunt tenere, ſtatim (*a*) vobis diſplicuit quaſi præſcivimus quòd exinde error multus ſequeretur, & quod non facilè deduceretur ad bonum finem. Et Sacrum Concilium in Conſtantia inchoatum fuit, & nos præſenſimus quod Hus ibi etiam vellet intereſſe, fuimus plurimùm gaviſi, & ſperabamus quod propter ipſius adventum quodque de omnibus his in quibus incuſatus fuerat expurgare ſe deberet,& quòd propterea omnes ſcrupuli in Bohemia ceſſare debuiſſent. Interea nobis adhuc in partibus Rheni exiſtentibus, pervenit ad Conſtantiam, & ibi fuit arreſtatus, ſicut de his jam ſufficienter eſtis informati.

(*a*) Il faut nobis.

Verum ſi priùs ad noſtram Celſitudinem applicuiſſet nobiſcunque ad Conſtantiam proceſſiſſet, fortaſſis negotia ſua alium habuiſſent progreſſum. Et Deus novit quòd tanto dolore fuimus attriti propter caſum ſuum,quod etiam verbo benè exprimi non poteſt. Sed etiam omnes Bohemi qui nunc temporis nobis aderant benè perpenderunt quomodo noſtram ſolicitudinem pro ipſo interpoſuimus quòd pluries furore permoti de Concilio exivimus : Immo vobis [illegible] de Conſtantia recedimus : Quodque nobis intimaverunt dicentes. Si noluerimus admittere quod juſtitia proſequatur in Concilio quid tunc in lo-

co facere debeant ? Sic cogitavimus quod in hac parte jam nihil facere poteramus. Neque etiam licuit nobis ulteriùs pro hoc negotio loqui, quia exinde Concilium totaliter fuiſſet diſſolutum. Etiam ibi in Conſtantia non ſunt dumtaxat unus vel duo Clerici, verùm ſunt & erant tota de Chriſtianitate Regum, Principum Ambaſſiatores, præſertim ex quo jam Reges & Principes Petri de Luna obedientes nobiſcum uniti ſunt, tunc omninò nihil aliud tenemus, niſi quod hoc Sacrum Concilium bono & recto ordine procedit, & gubernatur. Et ſi velletis ita ſerioſè & rigidè partem Hus fovere & defendere, hoc eſſet vobis nimis difficile quod deberetis vos totius Chriſtianitatis Congregationi opponere. Et ſicut audivimus, tunc jam taliter incepiſtis, cum deſtinatione cujuſdam Literæ ad Concilium, multis pendentibus ſigillis ſigillatæ, confundentes & calumniantes Concilium propter Hus ſuprà dictum, quodque Concilium contra vos taliter provocatis, quod eſtis jam de facto citati pro oppoſitione ſupra dicta. Et fortaſſe rigore juris contra vos procedetur. Et ſi non obtemperatis ſicut obedientes filii, etiam fortaſſis & Crucem contra vos obtinere poteritis.

Ex quibus præmiſſis majora diſcrimina & ſcandala ſequi poſſent & oriri. De quo cordialiter doleremus. Etſi nunc ad tollendum hoc, libenter vellemus partes noſtras interponere, timemus ne fortaſſis veniremus nimis tardè. Ideò affectuoſè à vobis omnibus, & à veſtro quodlibet deſideramus, rogantes quatenus conſideretis quilibet ſub conſcientia, & honore, utrum hoc ſit congruum & honeſtum, quod propter præmiſſa inter vos debeatis diſponere, quodque propter hoc Regna & Terræ periculis & devaſtationibus debeant ſubjici, & deſiſtatis à talibus ligis & conſpirationibus. Nam valdè indignum arbitramur (ſicut præmittitur) quod aliquis cum aliquo præter ſui Domini voluntatem quoquo modo ligas inire & diſponere debeatis. Ex quibus quidem ligis partialitates oriuntur, deſtructiones & devaſtationes terrarum poſt ſe trahentes. Et unuſquiſque veſtrûm in ſupradicto Fratre noſtro chariſſimo Domino ſuo, & in jure ſi alter ad alterum aliquam actionem habere prætenderet, contentetur. Præterea ſi illa cauſa propter diviſionem ſupra dictam eſſet ita grandis & ardua, quod noſtra ad hoc interpoſitio eſſet inopportuna, ſciatis quod onus hujuſmodi laboris gratanter volumus aſſumere, & cauſam veſtræ diviſionis ex utraque parte libenter examinare : Et ſperamus quod inter vos bonum medium tangeremus. Et quod ex tali medio vos & terræ ſupra dictæ permanebitis in bona pace. Denique de ſtatu Clericorum, ſcimus qualiter tempore noſtrorum Prædeceſſorum tentum fuerit. Quorum veſtigiis (volente Domino) etiam nos inhærere volumus, & Eccleſiæ Sanctæ Dei adhærere, non advertentes quaſcunq; novas adinventiones. Et de Fratre noſtro chariſſimo ſimiliter præſumimus, quod etiam Eccleſiæ Dei Sanctæ adhærebit. Tuncq; Clerici inter ſemetipſos ſe corrigentes, prout ſciunt, habent ipſorum Superiores ad quos talis correctio pertinere dignoſcitur. Etiam habent Scripturam ſacram præ oculis, cujus interpretationi ipſorum eſt intendere, nobiſque ſimplicibus non licet, prout neque poſſumus, Scripturæ Sacræ profunditatem inveſtigare. Et confidimus de vobis quòd nobis in hac parte attendetis quia conſideratis ſingulis aliud ſentire non poſſumus, niſi quod hoc Fratri noſtro chariſſimo ſupradicto, & vobis ad utilitatem & honorem, ac terris ſupradictis ad pacem & tranquilitatem gratam & jucundam nobiſque deſideratiſſimam valdè cedet.

## *Quod non obſtantibus Salvis-conductibus Imperatorum, Regum, &c. poſſit per Judicem competentem de hæretica pravitate inquiri.* V. d. Hardt, T. IV. p. 521. (9)

PRÆSENS ſancta Synodus ex quovis Salvo-conductu per Imperatorem, Reges, & alios ſeculi Principes hæreticis, vel de hæreſi diffamatis, putantes eoſdem ſic à ſuis erroribus revocare, quocunque vinculo ſe adſtrinxerint, conceſſo, nullum fidei Catholicæ vel juriſdictioni Eccleſiaſticæ præjudicium generari, vel impedimentum præſtari poſſe ſeu debere, declarat, quo minus Salvo dicto conductu non obſtante, liceat Judici competenti Eccleſiaſtico de ejuſmodi perſonarum erroribus inquirere, & aliàs contra eas debite procedere, eaſdemque punire, quantum juſtitia ſuadebit, ſi ſuos pertinaciter recuſaverint revocare errores, etiamſi de Salvo-conductu confiſi ad locum venerint judicii, aliàs non venturi (in Lipſ. & Goth. additum; nec ſic promittentem, cum aliàs fecerit, quod in ipſo eſt, ex hoc in aliquo remanſiſſe obligatum.)

Quo Statuto, ſive ordinatione lectis, idem Statutum fuit approbatum per dictos Dominos Epiſcopos nomine quatuor Nationum, ac Reverendiſſimum Patrem Dominum Cardinalem Vivarienſem nomine Collegii Cardinalium, per verbum *Placet*.

## *De Salvo-conductu HUSSONIS.*

Ibid. ex MS. Vindob. Dorr. (10)

SACROSANCTA, &c. Quia nonnulli nimis intelligentes, aut ſiniſtræ intentionis, vel forſan ſolentes ſapere plus quàm oportet, nedum Regiæ Majeſtati, ſed etiam ſacro, ut fertur, Concilio, linguis maledictis detrahunt publicè & occulte dicentes, vel innuentes, quod Salvus-conductus per invictiſſimum Principem Dominum Sigiſmundum Romanorum & Ungariæ, &c. Regem, quondam Joanni Hus, Hæreſiarchæ damnatæ memoriæ datus, fuit contra juſtitiam aut honeſtatem indebitè violatus: Cum tamen dictus Johannes Hus fidem orthodoxam pertinaciter impugnans ſe ab omni conductu & privilegio reddiderit alienum, nec aliqua ſibi fides aut promiſſio, de Jure naturali, divino, vel humano, fuerit in præjudicium Catholicæ fidei obſervanda: Ideirco dicta Sancta Synodus præſentium tenore declarat: dictum Invictiſſimum Principem circa prædictum quondam Johannem Hus, non obſtante memorato Salvo-conductu, ex juris debito feciſſe quod licuit, & quod decuit Regiam Majeſtatem; ſtatuens & ordinans omnibus & ſingulis Chriſti fidelibus, cujuſcunque dignitatis, gradus, [illegible] conditionis, ſtatus, aut ſexus exſtant, quod nullus deinceps Sacro Concilio aut Regiæ Majeſtati de gestis circa prædictum quondam Johannem Hus detrahat, ſive quomodolibet obloquatur. Qui verò contrarium fecerit, tamquam fautor hæriticæ pravitatis & rebus criminis læſæ Majeſtatis irremiſſibiliter puniatur.

*A Verbal Tranſlation of the foregoing Pieces might be thought too tedious, the rather becauſe ſome of them have been explain'd in the Hiſtory; and for this Reaſon perhaps our Reverend Author omitted to give any; but the Tranſlator humbly conceives, that it may be neceſſary to explain ſuch of them in* Engliſh *as have not already been accounted for in ſome part or other of the Hiſtory.*

(1) THIS is a Conſtitution of Pope *Clement* VI. concerning the Method and Formality to be obſerv'd in furniſhing Proviſion to the Cardinals while they are in the Conclave, and is dated at *Avignon*, the XIIIth of the Ides of *December*, in the Xth Year of his Pontificate. It has been already explain'd in Art. LXXXVIII. of Book V. Seſſion 41.

(2) Theſe were Articles to be ſworn by the Electors of the Pope, and by the Keepers of the Conclave, at the Council of *Conſtance*, and they are mention'd in the above Article.

(3) Theſe were the Orders and Regulations in Chancery, enjoin'd by Pope *Martin* V. to be obſerv'd during his Time only. They were drawn up in the Council, and there publiſh'd the 26th of *February*, 1418, by Order of *John*, Biſhop of *Oſtia*, Vice-Chancellor of the Holy *Roman* Church, and Cardinal *de Viviers*. The Reſervations hereby made were of the like Nature with thoſe of his Predeceſſors. It contains the general Reſervations for that Pope's Domeſticks, and thoſe of his Cardinals, together with the Reſervations of the Churches of the City of *Rome*; but excludes his Legates from the Diſpoſal of thoſe Papal Reſervations. It revokes all Unions by whatſoever Authority made, which had not yet taken Effect. It contains the Chancery Rules of the Popes his Predeceſſors, with ſome few Exceptions, particularly with reſpect to the *Gratiæ Expectativæ*, or Patents of Reverſions. It gives the Preference to the fitteſt Perſons in the Collation to ſacred Benefices, and ſettles the Tax on ſuch Benefices to be conferr'd in *Italy*, *France* and *Spain*, *Germany*, *Scotland*, *Ireland* and *England*. It guards againſt putting Subſtitutes into promis'd Benefices. It orders, that a Petitioner for ſeveral Benefices at a time, ſhall have only one; and that if ſeveral Perſons ſollicit for Reverſions in one and the ſame Petition, the firſt Petitioner only ſhall be collated, and the others ſhall be diſregarded. The Prebends

Prebends of certain Churches of *France* are not to be granted in Reverſion to any, except to Maſters of Arts, and Doctors of Divinity or Phyſick, the Brothers, Nephews, and Couſins-german of the Cardinals, and to the Maſters and Officials of the Apoſtolical See. It mentions what Benefices are compatible, and by whom they may be held; and aſcertains the Degree of Pluralities, in ſuch manner, that whoever enjoys five or more Benefices, and ſues for a Reverſion to others, ſhall give up the like Number of what he holds, for what he obtains, excepting the Prothonotaries, the Corrector of the Apoſtolical Letters, the Auditors and Secretaries of the ſacred Apoſtolical Palace, the Vice-Chancellor or his Lieutenant, *&c.* as therein mention'd. It orders the Value of the Benefices to be expreſs'd in the Petition. It ſettles the Diſtribution of the vacant Holy Offices among the Petitioners; and obliges ſuch as are collated to Offices, to reſide upon the ſpot. It regulates the Method of obtaining the Pope's Diſpenſations, in the Holy Offices, and Benefices, and ſacred Orders; and enjoyns, that none ſhall be granted to any one whatſoever, to ſucceed his Father immediately in Benefices, or to obtain Beneſices in the Churches where his ſaid Father is benefic'd. His Indulgences thereafter to be granted, were to laſt but ten Years, and thoſe granted under the Seals of the Cardinals, or any other, are invalidated. The Civil Miniſters of Princes, on whom the Pope ſhall confer any Benefices in the Church, are to be real Officers, and not Titulars. There's a Clauſe for reſtricting the Benefices of Cardinals; another for ſettling the Manner of taking Poſſeſſion of a Benefice, and publiſhing it. Here the Reader ſees the Wickedneſs that prevail'd in the Church, after the Schiſm was ſuppreſs'd; the Ambition of the ancient Clergy, and their Art of ſhaking off the Government of their Superiors; with an Account of the Chaplain and Chaplainſhip of the Apoſtolical See. The other Clauſes are concerning the Diſpatch of the Apoſtolical Letters, Reverſions upon Hoſpitals, Infirmaries, *&c.* Reſignation of Benefices, and Reſignation on a Death-bed, as to which there is a Caution to keep a pure Conſcience without Guile and Ambition. There's a Clauſe concerning the Unions and Incorporations of Churches, with a Rule not to confound the Eccleſiaſtick and Civil Courts, and an Order that no Quarrels with the Cardinals, and Miniſters of the Court of *Rome*, ſhall be accommodated but in that Court; that no Auditors of that Court ſhould be ſuſpended or excommunicated upon any Account whatſoever, by any Judge Ordinary, or Judge Delegate, unleſs by the Chamberlain. That no Notaries of the Court of Cauſes, or of the Apoſtolical Chamber, ſhall be admitted, unleſs they are found qualified after ſtrict Examination by the Vice-Chancellor or his Commiſſary, and arriv'd to 25 Years of Age. That all ſuch Notaries ſhall act themſelves

ſelves, or elſe forfeit their Offices, and never more be admitted by their Auditors; and that no Notary ſhall practiſe in both Courts at one time. This Piece concludes with a new Conſtitution of *Martin* V. concerning incompatible Benefices, dated the 11th of *December*, 1417, at *Conſtance*. To which is added a Clauſe concerning the Plurality of Benefices.

(*a*) CONCORDATES between the *German* Nation and Pope *Martin* V. with reſpect to the Amendment of the Eccleſiaſtical Government, as it was drawn up in the Council of *Conſtance*, *Anno* 1418.

HERE is a Preface of Cardinal *de Viviers*, which ſhews that this Concordate was brought into Chancery, the 15th of *April*. It contains XI Chapters. CHAP. I. Treats of the Number, Quality, and Creation of the Cardinals. It directs, that they be choſen equally out of all Nations. That the Number may not exceed XXIV, unleſs, for the Honour of thoſe Nations who have no Cardinals, one or two more may be added with the Conſent of the other Cardinals. That they be Men of Learning, Wiſdom, and Experience, and Doctors of Divinity, or of the Canon, or Civil Law; except a few of Noble Families, in whom a little Stock of Learning ſhall ſuffice. That they be not the Brothers, or Nephews, of any Cardinal living; nor deform'd in Body, nor ſtain'd in their Reputation; and that the Election of the Cardinals be not made by *auricular Votes* only, but alſo by the Advice of the Cardinals in their College; which Method ſhall alſo be obſerv'd in the advancing of any of the Cardinals to Biſhopricks.

CHAP. II. Of the Collation to Churches, Monaſteries, Priories, Dignities, and other Benefices. In Monaſteries, which were not immediately ſubject to the Holy See; and alſo in other Regular Benefices, for the Confirmation of, or Collation to which, Recourſe was not uſually had to the Court of *Rome*, thoſe who were choſe or prefer'd to them, were not obliged to repair to the ſaid Court for Confirmation or Preſentation; nor cou'd ſuch regular Benefices fall in Reverſion——Parochial Churches which were reckon'd to have two Thouſand or more Communicants, were not to be conferr'd by Apoſtolical, or any other Authority, on any but Doctors or Licentiates in Divinity, or the Canon or Civil Law, or Bachelors of Divinity. Provided that ſuch Graduate be found within a Month from the Time of the Vacancy, who will be willing to accept the ſame, either by himſelf or Proxy.

CHAP. III. Of the *Annates* or *Firſt Fruits*. If any of the Churches or Convents of Friers in *Germany*, were over-rated, they were to be aſſeſs'd over again with Juſtice and Moderation, by Commiſſioners for that Purpoſe; one Moiety was to be paid within the firſt

firſt Year after the Day of Poſſeſſion, and the other Moiety within the Year following. And if a Vacancy happen'd more than once in one Year, the Annates were only to be paid once; nor was the Succeſſor to any Church or Monaſtery to be anſwerable for ſuch Debt; but nothing was to be paid out of Benefices not exceeding the Value of 24 Florens of the Chamber. See Book VI. of this Vol. Art. XXIX.

CHAP. IV. Of what Cauſes were to be try'd in the Court of *Rome*. See Book VI. Art. XXX.

CHAP. V. Of *Commendams*. See Book VI. Art. XXXII. of this Volume.

CHAP. VI. Of Simony. This Article has already been accounted for, in the ſecond Volume of this Hiſtory, Book VI. Art. XLVII.

CHAP. VII. Of not avoiding Perſons excommunicated before they were ſo declar'd and denounc'd by the Judge. This Article alſo is accounted for as above.

CHAP. VIII. Of *Diſpenſations*, on Account of Age. This Chapter is explain'd in the ſame Vol. Art. XXXVI.

CHAP. IX. Of the Proviſion for the Pope and Cardinals. See Art. XXXVIII.

CHAP. X. Of *Indulgences*. This Chapter is explain'd in Art. XXXIX.

CHAP. XI. Of the Validity of theſe Concordates, between Pope *Martin* V. and the *German* Nation.

(5) CONCORDATES between Pope *Martin* V. and the *French* Nation.

THIS is a Copy of certain Conſtitutions, made in the general Council of *Conſtance*, and laid before the Court of Parliament of *Paris*, by *Martin*, Biſhop of *Arras*, on the 10th of *June*, 1418; but rejected by the ſaid Court. And therefore it may be needleſs to ſay any more of them, the rather becauſe they are much the ſame with the former Concordates, between the Pope and the *German* Nation. There are added certain Prerogatives granted by this Pope to the Univerſity of *Paris*, in the Obtaining of Benefices.

(6) THESE are the Concordates between the *Engliſh* Nation, and Pope *Martin* V. with Relation to the Amendment of the ſupreme Eccleſiaſtical Government, as they were drawn up and publiſh'd in the Council of *Conſtance* towards the Concluſion of it, *Anno* 1418. taken from a very ancient *Engliſh* Manuſcript in the Library of the Univerſity of *Cambridge*.

HERE

HERE is a Preface by the Cardinal *de Viviers*, Vice-chancellor, much like that which he made to this Pope's Concordates with the *German* Nation; whereby it appears, that this Inſtrument was regiſter'd in the Chancery Records of the Church of *Rome*, on the 11th of *July*, 1418. and from thence faithfully tranſcrib'd at the Inſtance of *Robert de Neville*, a Canon of the Church of *York*, and Rector of the Pariſh Church of *Spoffoord*, and to him exhibited under the Seal of the Vice-chancellor.

THESE Concordates conſiſt of ſix Chapters, which are all explain'd in the XLVIIth Article of the VIth Book of this Volume.

(7) THE Form of the Obligation which is kept in the Apoſtolical Chamber. 'Tis ſufficiently explain'd in this Volume, Book V. at the End of Art. LXXXVI.

(8) THIS Piece is a Copy of a Letter of King *Sigiſmond*, *Anno* 1417, to the Nobility of *Bohemia*, who ador'd the Memory of *John Hus*, which deſerves to be tranſlated at length.

*SIGISMOND*, King of the *Romans* and of *Hungary*, *&c.* to our truſty and well-beloved the Noble *Latzkon de Crauvarn*, Captain of the Marquiſate, *Botzkon de Cunſtat*, *alias Podiebrat*, *Czenkon de Wartenberg*; and to all the other Barons, Knights, and Vaſſals in Confederacy thro' the Kingdom of *Bohemia* and Marquiſate of *Moravia*, Royal Grace, and all Happineſs. Truſty and well-beloved Nobles, 'tis very apparent from our Records, how much the Kingdom of *Bohemia*, and County of *Moravia* have been haraſs'd with Wars in ancient Times, and yourſelves well know that the Neighbours round about wiſh not much Good to the ſaid Countries; and that if a favourable Opportunity offer'd, perhaps, you are ready to cut one another's Throats. In a word, Truſty and well-beloved, we have heard heretofore, and have now daily Accounts (which we are truly ſorry to mention) how you the Nobles of *Bohemia* and *Moravia*, make Diviſions, and foment Parties and Cabals, for what reaſon we know not, and perhaps, if the Neighbours around are well diſpos'd, you cabal together, and think to deſtroy thoſe Countries with Wars: For which we are extreamly ſorry, becauſe we are apprehenſive, nay, very certain, that it tends to the Loſs and Prejudice of the Dignity of our moſt ſerene and dear Brother. But ancient Tradition ſhews, that no Lord in the Kingdom, without the King's Conſent, ought to enter into, or make any Leagues or Confederacies. For if any one Man ſhou'd have Cauſe of Action againſt another, the Matter ought to be diſcuſs'd and decided before the King's Majeſty, and by due Courſe of Law, and not by Force of Arms. But if you do this for the ſake of Maſter *John Hus* (for as we apprehend, ſome of you take the

the Part of *Hus*, and others not) I wou'd have you to know that when *Hus* was firſt talk'd of in *Bohemia*, and we underſtood that Parties began to be form'd upon his Account, it diſpleaſed us as ſoon as we knew it, becauſe we foreſaw it wou'd be the Occaſion of much Error, and that it wou'd be difficult to make a good End of it. But when the ſacred Council was open'd at *Conſtance*, and we had notice that *Hus* was willing to repair to it, we greatly rejoyc'd, and hop'd that his Arrival would give him an Opportunity to purge himſelf of all Matters which had been laid to his Charge, and that conſequently all Scruples in *Bohemia* wou'd have been over. In the mean time, as we were about the Banks of the *Rhine*, he went to *Conſtance*, and was there arreſted as is not to you unknown.

Whereas if he had firſt apply'd to us, and gone with us to *Conſtance*, perhaps his Affairs wou'd have taken another Turn. And God knows, it was ſuch a Grief and Sorrow to our Hearts, to ſee what his Fate was, that no Words can ſufficiently expreſs it. But all the *Bohemians*, who were then preſent with us, were ſenſible that we were ſo ſollicitous in his Favour that we many times went out of the Council in a Rage; nay, for his ſake we went out of the City of *Conſtance*, till ſuch time that it was intimated to us from the Council, *That if we refus'd to let Juſtice take Place in the Council, what Buſineſs had they there?* Whereupon, thus we thought with ourſelves, that we cou'd do nothing more in this Reſpect; nor indeed was it lawful for us to ſpeak any more in this Affair, becauſe the Conſequence wou'd have been the total Diſſolution of the Council. It is alſo to be noted, that in *Conſtance* there are not only one or two Clergymen, but there are and were Ambaſſadors from all the Kings and Princes of Chriſtendom; eſpecially ſince the Time that the Kings and Princes of *Peter de Luna*'s Obedience came over to us; ſo that now we ſee nothing ſo effectual as that this Sacred Council ſhould proceed in good Order and under due Government. And if ye ſhou'd perſiſt ſo earneſtly and ſtrictly to favour and defend the Cauſe of *Hus*, ye wou'd find it too hard a Matter, becauſe ye wou'd have all *Chriſtendom* united to oppoſe you. And we have heard, ye have gone ſo far already, by the addreſſing of a certain Letter to the Council, ſeal'd with many Seals, diſturbing and reviling the Council for the ſake of *Hus* above mention'd, and that ye have ſo provok'd the Council againſt you, that ye are actually cited for ſuch Oppoſition: And perhaps they will proceed againſt you with the Rigor of the Law, and may even obtain a Croiſade againſt you, if you do not obey as dutiful Children.

From which Premiſes greater Differences and Scandals may ariſe and enſue, for which we ſhou'd be heartily ſorry. And tho' we are now very willing to uſe our Intereſt to remove the Cauſe, we fear,

leſt we ſhou'd perhaps come too late. Therefore we affectionately deſire of all and every one of you, that you would every one conſider in Conſcience and Honour, whether 'tis agreeable and honourable that ye ſhou'd ſplit into Factions by reaſon of the Premiſes, and that for this reaſon whole Kingdoms and Countries ſhould be expoſed to Danger and Devaſtation; and that ye wou'd deſiſt from ſuch Leagues and Conſpiracies. For we think it very indecent (as is premis'd) that any of you ſhould by any means enter into Leagues or Cabals with another, without the Conſent of his Soveraign; for from ſuch Leagues ariſe Parties which bring Deſtruction and Devaſtation of Countries at their Heels. And may every one of you, who has any Action againſt another, reſt ſatisfy'd in his ſaid Lord our moſt dear Brother and in the Law. Moreover, if by reaſon of the Diviſion above mention'd the Cauſe ſhou'd be ſo great and difficult that our Interpoſition ſhould be unſeaſonable; know ye, that we are ready to take the Burden of it upon ourſelves, and enquire into the Cauſe of your Diviſion on both ſides. And we hope that we ſhall find out ſo good a Medium to reconcile you, that you and the Countries abovemention'd will remain in a happy Peace. Finally, as to the State of the Clergy, we know what Attempts were made in the Time of our Predeceſſors, in whoſe Footſteps (God willing) we are alſo deſirous to tread, and adhere to God's Holy Church, without Regard to any new Inventions; and we likewiſe preſume, that our moſt dear Brother will alſo adhere to the Holy Church of God. And then the Clergy will correct one another, foraſmuch as they know they have their Superiors, to whom ſuch Correction is known to appertain. They have alſo before their Eyes the Holy Scriptures, which it is their Buſineſs to interpret, and which it is not lawful for us private Men to attempt, any more than 'tis poſſible for us to ſearch the Depths of the ſacred Scriptures. And we confide in you that you will give Attention to us in this Matter, becauſe all things conſider'd, we cannot but be of Opinion that this will redound very much to the Profit and Honour of our ſaid moſt dear Brother and yourſelves, and to that grateful and pleaſant Peace and Tranquillity of the Countries above mention'd, which we deſire above all Things elſe.

(9) This Piece is explain'd in the firſt Volume of our Hiſtory, Lib. IV. Art. XXXII.

(10) This too is explain'd in the Article aforeſaid.

## An Hiſtorical and Apologetical DISSERTATION FOR *John Gerſon*, and for the Council of CONSTANCE, Againſt Father *Deſirant* and Father *Petitdidier*.

I. THE Work compos'd by Father *Deſirant*, of which I made mention in the Preface to this new Edition, is entituled, *Pious Advice not to follow thoſe that are in Error, but thoſe who reform themſelves according to the Recantations*, 1. *Of* Philip IV. *King of* France, *or of his Miniſters, in the Proceedings againſt Pope* Boniface VIII. 2. *Of* John Charlier Gerſon, *touching his Innovations, addreſs'd to the Appellants to the next General Council.* Printed at *Rome* MDCCXX, by the Printer to the *Vatican* (1).

THIS

(1) Conſilium Pietatis de non ſequendis Errantibus ſed corrigentibus juxta Retractationes, 1. Philippi IV. Galliarum Regis, ſeu Miniſtrorum ejus, circa geſta contra Papam Bonifacium VIII. 2. Johannis Charlier Gerſonis, circa ſuas novitates ad appel-

THIS Work is dedicated to *Clement* XI, and wants no Formality to render it authentick. The Cenſors of *Rome* have not only licens'd but extoll'd it. *Dom.* BALTHAZAR DE S. PHILIP DE NERI, Profeſſor of Divinity, Reader of the Sacred Diſputations in the College for propagating the Faith, Cenſor of the Theological Academy at *Rome*, and Qualificator of the See of *Rome* and the Catholick Inquiſition (1). This Prelate was in a Rhapſody at the Reading of (2) it, and not only found no Fault with it, but has praiſed it to the Skies (3). JOACHIM DE S. ANNE, Procurator General of the Religious Schools, has alſo given a pompous Character of it, and it was printed by Order of *Gregory Seller* a *Dominican* Frier, and *Maſter of the Sacred Apoſtolical Palace.* Therefore both the Author and his Compoſition are of Weight, and by conſequence deſerve ſpecial Attention.

II. IN the Title mention is only made of the pretended Recantations of *Philip the Fair* and *Gerſon*, but in the Plan of the Work exhibited in the Preface (*a*), there are four others mention'd, the firſt of which is the *Recantation which was made by the firſt Obedience of the Council of* Conſtance, *of what was tranſacted in the thirteen firſt Seſſions.* As the Diſputes between *Philip the Fair* and *Boniface* VIII. have nothing to do with the Council of *Conſtance*, I ſhall not inſiſt upon them, but leave it to the Appealing Biſhops to demonſtrate, that it does not appear from Hiſtory, that *Philip the Fair*, or his Miniſters, ever revok'd their Appeal to a General Council; and that the contrary ſeems evident from Father *Deſirant's* Book itſelf, ſince, according to him, the Appeal was ſtill ſubſiſting after the Death of *Boniface* VIII. His Succeſſor *Benedict* XI. took off the King's Excommunication, before he demanded it, without requiring any Recantation. After that, *Clement* V. confirm'd *Philip*'s Abſolution, leaving the Cauſe of *Boniface* in Suſpence, till the General Council of *Vienne*, in 1311, which reverſed every thing that *Boniface* had done. My Voucher for this Fact is *Simon Vigor*, a Counſellor of the King's Grand Council, in 1613. 'Germany, ſays he, was not the only Na-

(*a*) Page 7 and 8.

appellantes ad futurum Concilium Generale; per P. M. F. Bernardum Deſirant Ord. Erem. S. P. Auguſtini S. Th. Doctorem, &c. Tomus primus MDCCXX. Apud Joh. Mariam Solvioni Typographum Vaticanum in Archigymnaſio Sapientiæ, Superiorum Facultate.

(1) D. BALTHASAR a S. PHILIPPO NERIO Congregationis Reformatæ Monachorum S. Bernard Ordinis Ciſterc. Abbas Ex-generalis; Sac. Theologiæ Profeſſor, in Collegio Urbano de propaganda Fide ſacrarum Controverſiarum Lector, Romanæ Academiæ Theologicæ Cenſor; ac S. R. & Univerſitatis Inquiſitionis Qualificator.

(2) Immodicâ cordis mei lætitiâ perlegi.

(3) In quo Opere cum nihil repererim ſpongia dignum, nihil nigro theta notandum, ſed omnia & fidei & moribus apprime conſona, hinc exiſtimo Librum hunc poſſe publici juris fieri. Romæ ex Cœnobio S. Pudentianæ hac die 18 Januarii 1720.

‘ tion that felt the Effects of the Hatred of Pope *Gregory* VII. a-
‘ gainſt the Emperor, the ſole Cauſe of the Incroachments upon the
‘ Temporalities of the Empire; but *France* too felt the Effects of
‘ the Reſentment of *Boniface* VIII. againſt *Philip the Fair*, whom he
‘ ſtrove to reduce to the ſame Condition to which *Gregory* had re-
‘ duc'd *Henry* IV. For in the firſt place, he preſum'd upon the Au-
‘ thority to forbid him to raiſe any Tax upon the Clergy, which the
‘ Kings might, and had been accuſtom'd to raiſe in their moſt im-
‘ portant and urgent Affairs, of which they are the ſole Judges, and
‘ not the Clergy, to whom, were it not ſo, there would be a Neceſ-
‘ ſity of communicating the Secrets of State. This was the very
‘ Practice of the *Romans*, who made the Clergy contribute to the
‘ Neceſſities of the Publick, tho' they were exempted in Times of
‘ Peace. This Decree of *Boniface* is in the Body of the Law, and
‘ *nevertheleſs it was revok'd by the Bulls of the ſaid Boniface*, dated the
‘ third of the Calends of *Auguſt*, in the third Year of his Pontificate,
‘ according to the Report of *Feraldus* (*a*); tho' 'tis well known, that all (*a*) *Lib. de*
‘ the Decretals of the ſaid Revocation inſerted in the Canon Law are *Jurib. & Poſſeſſ. Reg. Franc.*
‘ not infallible. Secondly, He endeavour'd to aboliſh the Collation of
‘ Prebends, vacant in the *Regale*, which is a Prerogative of the Crown
‘ that our Kings have been in Poſſeſſion of, Time out of Mind.
‘ Thirdly, Having call'd a Council of Cardinals, juſt as if he was ab-
‘ ſolute Lord and Maſter of Mankind, both in Spirituals and Tempo-
‘ rals, he ſent Word to the King that he was abſolutely ſubject to
‘ him, both in Spirituals and Temporals, and that they who held
‘ the contrary muſt be deem'd as Hereticks. In the fourth
‘ Place, he excommunicated the King, and depriv'd him of his King-
‘ dom, expoſing him to the Mercy of the Emperor *Albert*. Finally,
‘ to hinder the calling of his Uſurpations in queſtion, he drew up
‘ the *Extravagante* in Diſpute; a Piece indeed, which is very extra-
‘ vagant, and contrary to the Laws of God and Man, whereby he pre-
‘ tended to prove, by an inſolent Abuſe of the Scripture, that all
‘ Kingdoms depend on the Papal See, and that this is an Article of
‘ Faith neceſſary to Salvation. Now if *Boniface*, aſſiſted by his Coun-
‘ cil, is a ſufficient and infallible Judge, thus to aſcertain the De-
‘ pendency of Crowns; and if it be Hereſy to believe otherwiſe, I
‘ know not what theſe Gentlemen, the Clergy, will ſay, who main-
‘ tain'd before the States of *Paris*, to the Prejudice of this Novel
‘ Article of Faith, that the Crown of *France* depends only upon
‘ God; and that 'tis a Problematical Queſtion, *viz.* Whether the
‘ King can commit a Crime, for which he may be depriv'd from his
‘ Government and depriv'd of his Crown; and whether the Pope
‘ himſelf, except the Caſe be Hereſy, can take Cognizance of the
‘ Matter. And if the Clergy, who at this Day are ſelf-intereſted,

'and for the generality more attentive to *Rome* than the Bible, are 'afraid or unwilling to ſpeak the Truth, there will be a Neceſſity 'for the Stones, that is to ſay, the Secular Order, to cry out and to 'declare, by a diſcerning Judgment, what is agreeable to the Laws 'Divine and Natural, and to the Practice of the Church, which 'thoſe manifeſtly impugn who defend this pretended Power. For 'my own part, I deſire nothing more than to vindicate the Honour 'of our old *French* Men, who made a noble Stand againſt the In-'croachments of *Boniface*, to whom the Clergy wrote that it was 'a perfect Impoſition, to endeavour to perſuade Men that the 'Crown of *France* depended on him, while the Nobility of the Col-'lege of Cardinals and the Laity begg'd that ſuch Incroachments 'might not be ſuffer'd, and made an Offer of their Lives and For-'tunes to ſupport the Independency of the Crown of *France*. To 'conclude, an Appeal was made to the next Council by the King, 'his Princes and States; which Appeal was receiv'd and tried by the 'Council of *Vienne*, *and all that* Boniface *had done was revers'd* 'and made void. And in Purſuance of the Arret of Council, Pope 'Clement V, under whom this Council was held, put forth a Decree 'that the King and the *French*, both Clergy and Laity, were in the 'ſame State of Exemption from the Pope, as they were before this 'Bonifician Bull. Moreover, *Boniface* was accuſed of Hereſy, not 'only before his Death, but after it; and our *Philip* urg'd the Mat-'ter before his Succeſſor, but the Cardinal *de Senis* ſtop'd the Courſe 'of it, ſaying, that Equals have no Juriſdiction over one another, 'and that the Judgment of the Cauſe appertain'd to a General Coun-'cil, and not to the Succeſſor of *Boniface:* As to which I muſt ob-'ſerve by the way, that at that Time the Pope's Superiority over 'the Council was not acknowleg'd (*a*).' From hence it appears, not only that *Philip the Fair* did not retract, but that the Perſon who retracted was *Boniface*. This only by the by.

(*a*) *Of Infallibility*, Chap. V. p. 59, 61.

III. BUT as to the pretended Recantation of *John Gerſon*, the Caſe is different, it being an Affair which directly belong'd to the Council of *Conſtance*. As there is nothing more chimerical than this Recantation, ſo there is nothing that was ever worſe prov'd than this Fact; and in order to confute Father *Deſirant* upon this Head, I will only make uſe of his own Arguments. *Gerſon*, according to this Father, had three Things principally in view at this Council: The firſt, was the Suppreſſion of the Schiſm, by the *Election of a lawful unexceptionable Pope, in a General Council, as Superior to the Pope, becauſe Appeals are made to it in certain* Caſes *from the Sentences of the Pope:* The ſecond, was the Condemnation of *John Petit*'s nine Propoſitions: The third View, was to procure the Council's Approbation of certain Rules which he had drawn up for the Reformation of

of Manners and of Diſcipline. If therefore *Gerſon* retracted, it muſt have been upon all or one of theſe three Articles. 'Tis clear it cou'd not be upon *John Petit*'s ſeditious Propoſitions, becauſe he urg'd the Condemnation of them to the very laſt, and complain'd bitterly of the Council's Prevarication in that Matter. This, Father *Deſtrant* could not deny; becauſe he ſays, that *Gerſon* was oblig'd to baniſh himſelf, to eſcape the Fury of the Duke of *Burgundy*, for whom *John Petit* was Advocate. To ſay that he retracted, becauſe he went into voluntary Exile, is the ſame thing as if one ſhould ſay, that *M. Arnaud* and Father *Queſnel* retracted, becauſe they were forc'd to retire to *Flanders* and *Holland*, to avoid the Fury of the Jeſuits. If *Gerſon* had been inclin'd to make ſuch Recantation, he need only have gone to *Paris*, where he would have been receiv'd with open Arms by the Duke of *Burgundy*'s Faction; but he choſe rather to get out of the Way, till the Storm was laid, than to be compell'd, as his Brethren of the Univerſity were (*a*), to make a Recantation. Let us hear what he ſays himſelf in his *Conſolation Philoſophique*, which he wrote in 1418, after his Return from *Conſtance*, at *Rathemberg* in *Bavaria*, or at *Vienna* in *Auſtria*: 'Tis a Dialogue in Proſe and Verſe, in Imitation of the *Conſolation Philoſophique* of *Boetius*, wherein *Gerſon* introduces three Perſons diſcourſing, viz. *Gerſon* himſelf, under the Name of a Pilgrim; his Brother, *John Gerſon*, Prior of the *Cæleſtins* at *Lyons*, under the Name of *Monique*; and *Volucer*, a Courier, who comes to him with News of his Brother in Baniſhment. They diſcourſe after this Manner.

(*a*) Hiſtory of the Univerſity of *Paris*, Tom. V.

*MONIQUE.* Is not my Brother very much troubled to find ‘ himſelf baniſh'd into a Foreign Country of which he underſtands ‘ not the Language?

*VOLUCER.* ‘ Not at all; on the contrary he rejoiceth in the ‘ Lord: As he actually foreſaw all that happen'd, he was prepar'd for ‘ Patience under it; and as he knew what Grounds he went upon, he ‘ trembles at the Thought of his Country's Misfortunes, which he ‘ bewails, after the Example of *Jeremiah*, waiting for Deliverance ‘ from Him who has ſaved him from the Storm as well as kept him ‘ from all manner of Deſpondency and Cowardiſe (*ſpiritus puſillanimitate*); ſo that, like a Sparrow, he has fled out of the Nets of the ‘ Hunters. Snares were laid for him on all Sides, but he has eſcaped as well as he could from the Shipwreck of the Republick, in ‘ hopes of better Times.

*MONIQUE.* ‘ 'Tis to be hop'd indeed, that ſome Day or other the Truth will gather Strength.

*VOLUCER.* ‘ When that Day will come, I know not, for I ‘ ſee with my own Eyes what *Iſaiah* ſaid, Chap. LIX. ver. 14, 15. ‘ *And Judgment is turned away backward, and Juſtice ſtandeth afar off: For*

'*For Truth is fallen in the Street, and Equity cannot enter. Yea, Truth* '*faileth, and he that departeth from Evil maketh himself a Prey.* And 'indeed we see Error, not that which we call *meer Mistake*, but He- 'retical Wickedness (*hæreticam pravitatem*) marching barefac'd in the 'Streets and publick Places, insulting the Catholick Truth and its 'Defenders, trampling on them with its dirty Feet (*sordidissimis pe-* '*dibus*) and triumphing over them with the Insolence of a Conqueror.

*MONIQUE.* 'But pray tell me whence comes this Mischief? 'Has not the Sacred General Synod which was call'd for its Defence 'taken the Truth into its Protection? (*a*)' *Monique* without insi- sting on this Complaint, and without answering *Volucer*'s Question, pro- ceeds to enquire farther about *Gerson*. 'Tis visible that *Gerson*, tho' he was dissatisfy'd with the Council in some respects, expresses a Regard for it, and is unwilling to contradict it in the Face of the Publick, because he has own'd the Authority of it, and advanc'd it even above that of the Pope. This gentle Treatment of the Council he expresses elsewhere in these Terms: 'I am not willing, *says he to* '*Monique*, to set my Face against Heaven, when I speak of the most 'Holy Lord and his Anointed: But he has Collaterals (1), who have 'behav'd very negligently, with regard to the Interests of the Ca- 'tholick Truth, in a Matter of very much the same Nature; I mean 'that which relates to the *Poles*, and who could never be prevail'd 'upon, neither by Word of Mouth nor Writing, to pursue and deter- 'mine that Affair (2)'. In this same Passage there's a very good Proof that *Gerson* did not recant. After *Volucer* has mention'd the Complaints which were made publickly at *Constance*, after the Pope's Election, of the Temporising and Tergiversation of the Council, with regard to the Reformation of the Church and the Condemnation of the pernicious Propositions of *John Petit* and *John de Falkemberg*, *Mo- nique* asks what Answer was return'd to those Complaints: *Volucer* says, 'No Answer was return'd at all; but on the contrary, Affairs 'grew worse and worse, insomuch that the *Poles* put in their Ap- 'peal to the next Council. And instead of answering this Appeal, 'there was read, as they say, in a General and Publick Consistory 'held towards the Close of the Council, a certain Draught, in Form 'of a Bull, which, as is affirm'd by those who have read it, funda- 'mentally destroys all the Authority, not only of the Council of *Pisa*, 'but of the Council of *Constance*, and every thing done in those 'Councils, especially concerning the Election of a Pope, and the Re- 'jection of the *Intruders*. For this Draught imported, that 'tis not 'lawful in any Case to appeal from the Pope, and to except against

(*a*) *Oper. Gerf.* T. I. *p.* 131.

(1) These are the Cardinals.

(2) They are the Complaints made by the *Poles* against *Falkemberg*'s Seditious Book, *Dialog. pro Condemn. Propoſit.* T. II p. 390.

'his

'his Judgment in a Point of Faith, which is directly contrary to the 'Law of God and the Decrees of the Council (*a*). We find no Recantation at least hitherto: Yet Father *Defirant* looks upon the *Consolation Philosophique* and *Gerson*'s Dialogue to be not so much an Apology for, as an Invective against the Council of *Constance* (*b*). 'Tis true, that in one Place *Valois* being ask'd by *Maurice* whether *Gerson* had nothing to reproach himself with, in what he had done at *Paris* and at *Constance*, where he had so earnestly press'd for the Resignation of the Rival Popes, maintain'd the Superiority of General Councils, and prosecuted the Errors of *John Petit*: *Valois* makes Answer, that *Gerson*, nor no body else could boast of perfect Innocence, even in the Prosecution of the best Cause in the World; and that, like St. *Paul*, tho' he be not guilty in his own Eyes, yet he is not justify'd in the Sight of God (*c*). But this is so far from being a Recantation, that he comforts himself in his Assurance that he has chosen the better Part, defended the Truth and the Catholick Faith, and pleaded for the Condemnation of the Errors which oppose it. Therefore we must seek elsewhere for *Gerson*'s Recantation.

(*a*) *Ubi supra* 390, 391.

(*b*) *Dissert.* III. p. 167.

(*c*) *Gerf. ubi supra* p. 169.

IV. FATHER *Defirant* pretends he has found it in some Passages of certain Pieces which *Gerson* wrote towards the Close of his Life; and that for this reason he likewise intitles the last Chapter of his second Dissertation, 'The final Retractation of *Gerson* during the 'four Years of his Life, which he began with the Study of the 'Works of St. *Bonaventure*, and compleated by the Reading of *A*'lexander of *Hales* and St. *Thomas Aquinas*: In his old Age he said, '*My Prattle has been confus'd.* He exhorted all Mankind to read and 'follow the ancient Writers, without troubling themselves with his 'own Works.' As Father *Defirant* lays the greatest Stress on these Passages, 'tis necessary to examine them. The first Passage is taken from a Letter writ in 1424, to one *Oswald*, a *Carthusian* Monk, but it signifies nothing at all to the Question, because we find no Recantation in it. *Gerson* therein returns his Friend Thanks for desiring him to let him have a Sight of his Works; promises to send him Copies of them, and to give him leave to make a Transcript of the Theology of the Seraphick Dr. *Bonaventure*, which he calls the *Theological Doctrine*, by way of Eminence (*d*). However, Father *Defirant* has done well to date *Gerson*'s pretended Recantation in 1424; for if he had dated it a Year sooner, he might have been convicted of a gross Mistake in Fact. It has already been observ'd that in 1423, immediately after the Separation of the Council, he wrote his Treatise to prove the Lawfulness of appealing from the Pope's Judgment, in Opposition to *Martin* V, who had determin'd that such Appeal was unlawful, as was just now noted. He afterwards wrote a Tract of the *Trial of Doctrines*, which according to the MS. in the *Colbert*

(*d*) *Gerf. Op.* T. I. p. 116

Library is dated at *Lyons* in the Year 1413; but as mention is therein made of the Council of *Conſtance* held after that Time, and as moreover *Gerſon* was not at *Lyons* that Year; *M. Dupin* judg'd very rightly that it was in the Year 1423. In this Tract he maintains 1. That the Prerogative of judging of Matters of Faith authentically and peremptorily appertains to a General Council. He proves his Theſis by the Authority of the Council of *Conſtance*, and he refers to his *Treatiſe of Eccleſiaſtical Power*, wherein he had eſtabliſh'd the Superiority of a General Council, and to his Queſtion, Whether 'tis lawful to appeal from the Pope. And certainly it cannot be deem'd a Recantation, for a Man to refer to his own Works for the eſtabliſhing of his Hypotheſis. He does not deny that commonly the *Pope is ſoveraign Judge of Matters of Faith, but 'tis next to the Council, or in Concert with the Council*; and the Reaſon he brings for it is, that as General Councils cannot be aſſembled at every Turn, there muſt be ſome ſoveraign Judge to decide proviſionally. He afterwards raiſes an Objection to it, *viz.* that the Pope being not infallible, he may deceive himſelf and others too; and he anſwers, that in this Caſe the General Council is the laſt Reſſource, and that the Pope is oblig'd to ſubmit to it, on Pain of being cenſur'd as a Pagan and a Publican. *I am not ignorant*, ſays he, *that there are many People to whom this Truth is offenſive, becauſe more Authority is given to the Pope and his Writings taken upon Truſt* (male ſuſcepta) *than to Jeſus Chriſt and the Goſpels. But the Lie oppos'd to this Truth is a Hereſy condemn'd by the Council of* Conſtance. This is as far from a Recantation as the Heavens are from the Earth.

V. HERE follows another Paſſage, which clearly proves that *Gerſon* had not retracted in 1424. My Author is *Simon Vigor*, 'Thus 'then, *ſays he*, the *Gallican* Church always maintain'd it ſelf in its 'Immunities from accepting any Decrees of the Church of *Rome*, 'farther than they were conformable to the Canons. Now, ſince 'the Church of *Rome* has pretended to aſcribe Infallibility and ab'ſolute Power to it ſelf alone, and ſince Provincial Councils are no 'longer held, the *French* have maintain'd their Liberties by the 'Authority of a greater Power, *viz.* by Appeals to a future 'Council, or by Complaints made to the King or his Political 'Magiſtracy, the Conſervators of the ſacred Decrees and Liberties 'of the *Gallican* Church. And to this Purpoſe, honeſt *Gerſon*, who 'ought to ſerve for a Pattern and Light to the partial or ignorant 'Divines of this Time, who embrace all kind of Novelties, to the 'Prejudice of the Truth and of the Duty they owe to their 'Country, puts a Queſtion in a certain Treatiſe he wrote, *Whether* '*the unjuſt Sentence of a Biſhop ought to be dreaded*; and he deter'mines, *That the moſt Chriſtian King has ſworn at his Coronation*

*to preſerve the Rights and Liberties of the Churches of his Kingdom. So that he muſt be of Opinion that all Sentences paſs'd to the Prejudice of ſuch Rights, do mediately, or immediately, contain an undue Uſurpation; and conſequently, that they are not to be dreaded, nor in any wiſe to be obſerv'd; and even that the King may defend himſelf from ſuch Attempts made againſt Him and His, in the ſame Manner as he would act againſt thoſe who ſhould uſurp his Dominions, and even more, as far as Spiritual Things ſurpaſs Temporal Things.* And elſewhere the ſame *Gerſon* teaches, that *if Princes had not this Power, and that if Obedience muſt always be paid to the unjuſt erroneous Sentences of the Prelates, the latter might reduce Chriſtians to what Degree of Slavery they pleas'd.* And therefore he concludes, that the *vulgar Saying, viz. That the Sentence of a Prelate, tho' unjuſt, is to be dreaded, is ſubject to an Interpretation; and that in the general 'tis not true, that if it is to be dreaded, it muſt therefore be admitted and obſerv'd; and that to ſuffer it, would argue Stupidity as brutiſh as that of an Aſs, or Timorouſneſs equal to that of a Hare.* 'Therefore he determines, *That Diligence ought to be uſed in informing the weak Minds of thoſe who believe that the Pope is a God, and that he has all Power in Heaven and in Earth. That if they will not receive Inſtruction, themſelves only muſt be to blame for the Scandal, becauſe they are offended without any Reaſon.* 'This honeſt and brave Doctor wrote this about the Year 1413, when *France* was at War with the *Engliſh*, at 'which time Pope *Martin* V. ſent his Nuncio's into *France* to abo'liſh the Liberties of the *Gallican* Church. And among all the *Sor'bonne* Doctors there was not one but what was of the ſame Opinion 'with this good Chancellor of the Univerſity: So that this School 'was not, as it is at this Day, divided into Parties and Factions; and 'had no Notion of the NEW SORBONNE, the ſchiſmatical Character lately invented and appropriated to thoſe who abandon the 'Truth of ancient Maxims, and proſtitute themſelves to the Innova'tions of the Court of *Rome* and its Agents, who defend the abſo'lute Monarchy and Infallibility of the Pope (*a*).

(*a*) *Of Eccl. Diſcipline*, p. 123, 124.

VI. THUS we find *Gerſon* arriv'd at the Age of Sixty, without having ever retracted. Let us ſee now *whether he was a Convert* before he dyed, as Father *Deſirant* pretends he was. I believe not. However rather *Deſirant* quotes a Paſſage, in which *Gerſon* making Anſwer to the Queſtion he ſtarts, *Which of the Doctors of Divinity, was moſt eligible*, ſpeaks thus according to the Verſion of *M. Dupin*. 'If it be ask'd of him (*Gerſon*) which of the Doctors he thinks the 'moſt proper for the Inſtruction of Believers; he will anſwer, that 'without Diſparagement of the others, St. *Bonaventure* is the Man, 'becauſe he is ſound, ſure, pious, juſt and devout, and that he departs 'as wide as he can from Curioſity, by not interlarding his Diſcourſes

'with foreign Propoſitions, or Queſtions of Logick or Natural Philoſo-
'phy, cover'd with Theological Phraſes, as many others have been ac-
'cuſtom'd to do; but, becauſe by enlightening the Mind, he makes his
'Learning ſubſervient to Piety and Religion. This, *he adds*, is the Rea-
'ſon that the irreligious Schoolmen, who, the more is the Pity, are
'the far greater Number, neglect him, tho' there is no Doctrine
'more ſublime, more divine, more wholeſom, more agreeable to Di-
'vines than the Doctrine of this Author *a*). *After this* Gerſon
(*a*) *Dup.* T. X. p. 73 Col. I. *Deſirant Diſſert.* II. p. 282. 'adds, The more I read him in my old Age, and the fonder I am
'of his Works, the more I am confounded to think of my own
'Prattle (*tanto facta eſt amplius confuſa mea garrulitas*) I ſay to my-
'ſelf this Doctrine is ſufficient, why doſt thou conſume thyſelf in
'vain Labour? Why doſt thou write? Why doſt thou dictate?
'Collect rather, and tranſcribe the Works of this Doctor, of whom
'may be ſaid with Truth what *Jeſus Chriſt* ſaid of *John* the *Bap-
tiſt*, *He was a Burning, and a ſhining Light.*' But where were Fa-
'ther *Deſirant's* Eyes and Judgment, when he read thoſe Words,
and did not perceive that they are the Sequel of the *Tryal of Doc-
trines* juſt mention'd, wherein he maintain'd the Superiority of Coun-
cils over the Pope, the *Fallibility* of the Pope, and wherein he has
referr'd to his other Works upon this Subject. Therefore *Gerſon's*
laſt Works meant here, are not thoſe he wrote immediately before
the Council, during the Council, and immediately after it, but only
his other Theological and Moral Tracts, of which he had compos'd
a great Number at other Times, and which he thought ſo inferior
to thoſe of *Bonaventure*, that in Compariſon he only looks upon them
as Prattle. However, he does not retract them. He only ſpeaks of
'em with Modeſty and Humility. So that hitherto we meet with
no Recantation.

VII. Let us ſee whether *Gerſon* was a little more tractable in
1426, which was the Year when he wrote a Letter to a certain
Frier Minor at *Lyons* full of Encomiums on the *Sweetneſs* and *Spirit*
of the SERAPHIC *Bonaventure*, from whence Father *Deſirant* has
extracted what follows. 'He, (*Bonaventure*) ſays *Gerſon*, has, accord-
'ing to his own Declaration, follow'd that common and ſound Doc-
'trine which flouriſh'd at *Paris*, eſpecially in his Time. Therefore
'to confirm his Doctrine, he quotes the Articles of *Paris*, condemn'd
'by *William*, Biſhop of *Paris*, with the Conſent, and by the Ad-
'vice of all the Maſters, in the Life-time and with the Approba-
'tion of Frier *Alexander* of *Hales*, whoſe Doctrine is fruitful beyond
'Expreſſion. He knew that when St. *Thomas Aquinas* was ask'd which
'was the beſt manner of ſtudying Divinity, he anſwer'd, that he kept
'to one Doctor; and that when he was ask'd which of the Doctors,
'he reply'd, *Alexander* of *Hales*. I affirm, ſays *Bonaventure*, that
'I have

'I have read it thus in a certain Treatiſe of the Beatific Viſion againſt 'John XXII. This ſays *Gerſon*, the Writings of St. *Thomas* do al- 'ſo declare, eſpecially the *Secunda Secundæ of his Summary*, and how 'familiar and intimate this Doctor *Alexander*, whom he quotes, made 'himſelf. But alas! adds *Gerſon*, thoſe two Doctors, *Hales* and '*Bonaventure*, ſeem as it were buried in Oblivion; eſpecially when the 'Love of the Heart ('tis myſtical Theology) is in queſtion, and then 'ſome others are extoll'd, whoſe Names may God grant to be writ- 'ten in the Book of Life; for we don't envy their Scholars for 'them; but their Writings, which are numerous, under the Diſguiſe of 'Subtlety, have made many of them talk at random (*a*)' Whereupon Father *Deſirant* cries out with Enthuſiaſm, *O Sacred Confeſſion! O Confeſſion worthy of* Gerſon's *Old Age* (*b*)! 'There is no Divine but 'knows what has been taught and written by *Alexander* of *Hales*, *Bona-* 'venture and *Thomas Aquinas*. They have not taught new Doctrine, 'but ancient Doctrine; they taught the *ſound* and *common* Doctrine which 'prevail'd at *Paris* eſpecially in the Time of *Bonaventure*.' We will ſet all this in a clearer Light, to ſee whether Father *Deſirant* has not furniſh'd Weapons againſt himſelf inſtead of finding the leaſt Service in that Argument: A Man need only inſpect into thoſe Articles condemn'd at *Paris* by the Univerſity, to be convinc'd that then there was no Diſpute about any of the Queſtions debated at the Council of *Conſtance*, *viz.* the Aſſaſſination of Tyrants, the Superiority of Councils, the Appeal from the Pope to a General Council, the Reformation of the Church in its Head and Members; but of Queſtions meerly ſpeculative and ſcholaſtical. Theſe Articles are in the IIId Tome of the Univerſity of *Paris*, and *M Dupin* has tranſlated them at large, in the Xth Tome of his *Bibliotheque des Auteurs Eccleſiaſtiques*. They are theſe. '1. That the Eſſence of God ſhall not be ſeen, neither by Men nor Angels. '2. That the Divine Eſſence, tho' the ſame in the Father, Son and 'Holy Ghoſt, yet as it is, this Eſſence and this Form is one in the 'Father, and in the Son, and not in the Holy Ghoſt. 3. That the 'Holy Spirit does not proceed from the Son, as he is Love and 'Union; but only from the Father. 4. That there are ſeveral e- 'ternal Truths which are not God himſelf. 5. That in the firſt Mo- 'ment the Creation and the Paſſion are not the Creator nor the Crea- 'ture. 6. That the wicked Angel was wicked in the very Inſtant of his 'Creation. 7. That the Souls of the bleſſed, and that of the *Vir- 'gin Mary* herſelf, ſhall not be in the Empyreal Heaven with the 'Angels, but in the Chryſtalline Heaven. 8. That an Angel may 'be in ſeveral Places, and even every where at the ſame Time. '9. That he who has the beſt natural Genius ſhall have moſt Grace. '10. That the Devil had no Aſſiſtance to prevent his Fall; nor '*Adam* to remain in a State of Innocence. The Aſſembly, after having

(*a*) *Op. Gerſ.* T. 1 p. 117.

(*b*) *Deſir. ubi ſup.* p. 183.

'cenſur'd theſe Propoſitions, declar'd that Mankind ought to be-
'lieve firmly, and without doubting. 1. That the Subſtance, Eſſence,
'and Nature of God, ſhall be ſeen by the Holy Angels, and by the
'Souls of the Bleſſed. 2. That there is but one ſubſtantial Eſſence, and
'one Nature in the Father, and the Son, and Holy Spirit, even with re-
'gard to Form. 3. That the Holy Spirit, as Union and as Love, pro-
'ceedeth from the Father and the Son. 4. That there is but one
'Eternal Truth, which is God; and there never was any other Truth
'from all Eternity. 5. That the firſt Moment Creation and Paſſion
'are Creatures. 6. That the wicked Angels were once good, but be-
'came wicked by their Sin. 7. That the Souls of the bleſſed, and
'their Bodies too, ſhall be in the Empyreal Heaven, as well as the
'Holy Angels. 8. That the Angels are in a diſtinct Situation, ſo
'that they are not in two Places at one and the ſame Time, much
'leſs in all Places. 9. That Grace and Glory are conferr'd accord-
'ing to the Order and Predeſtination of God. 10. That the wicked
'Angels and *Adam* had Aſſiſtance to prevent their Fall, tho' not
'to be perfect (*a*).' By that therefore 'tis clear, that tho' there were
ſome Retractation in *Gerſon's* Words juſt now mention'd, it wou'd
not turn upon what he did, and wrote, at *Conſtance*; but upon ſome
Points of Divinity, wherein he departed from *Alexander* of *Hales*
and *Bonaventure*. But when all is ſaid and done, there's no Recan-
tation in this Reſpect neither. And 'tis groſs Knavery, or at leaſt
a prodigious Folly in Father *Deſirant* to refer what *Gerſon* ſaid to
the pretended Innovations introduc'd upon Occaſion of the Diſ-
putes between *Philip the Fair*, and *Boniface* VIII. What are thoſe
Innovations then which *Gerſon* condemns, when the Biſhop and U-
niverſity of *Paris*, *Bonaventure*, St. *Thomas*, *Alexander* of *Hales*, *&c.*
had done the ſame before him? They are in no Senſe, Queſtions
of Diſcipline and Morality: They are, beſides the Articles con-
demn'd in 1240, certain Metaphyſical Subtilties concerning the Nature
of God, ſeveral times condemn'd at *Paris*, particularly in 1270 and
1276, as may be ſeen in the Hiſtory of the Univerſity of *Paris*,
and in *Gerſon's* Letter to the Frier Minor. They are the Books
of the eternal Goſpel of the Abbat *Joachim*, thoſe of *Amauri*, *Rai-
mond Lulle*, the falſly Myſtical Theology of one *John Ruisbroc*,
one *John Schnoven*, *&c* mention'd even by *Gerſon* in theſe Pieces, by
which Father *Deſirant* thinks to ſcreen himſelf, and particularly in
his Letter to the Students of the College of *Navarre*, againſt the
Curioſity of the Students, wherein he ſhews what a Scholar in Di-
vinity ought to ſtudy, and in what manner (*b*). Father *Deſirant* quotes
theſe Words from it. 'O, *ſays* Gerſon *in the Concluſion*, that the
'Readers or Hearers of ſuch things wou'd but repent! O that af-
'ter ſuch Follies they wou'd turn to better Direction, to better
Leſſons

(*a*) *Dup. Bib. Aut Eccl.* T. X. p. 161. Col. 1.

(*b*) *Gerſ. ubi ſup.* 106. 109

'Leſſons, that they would deplore their Fate, and that they would 'lament the Time they have loſt.—Were it not far better to make uſe 'of what is already found out to their Hands, than to deſtroy happy 'Diſcoveries, by ſeeking after new Inventions. Such ancient Diſco-'veries are not the Product of young Pates, whoſe Tongues run with-'out Conſideration; nor of Logical Diſputants or Perſons of deprav'd 'Manners; but are come to our Hands by the very ſolid and wiſe 'Tradition of Doctors of great Piety and Experience, who put in 'practice themſelves what they taught others.' This Paſſage conſi-der'd in itſelf is enough to perſuade one that Father *Deſirant* is miſ-taken, or that he had a Deſign to impoſe upon his Reader. It was propoſed to *Gerſon* to ſelect ſome of his Works for publick Inſtruction, but he modeſtly excuſes himſelf. 'When I ſee, *ſays he*, the Works 'of ſo many Great Geniuſſes, and of ſo many Authors of Weight, 'neglected and trampled under Foot, can I hope that mine will be 'better eſteem'd? Beſides, I fear to commit the ſame Fault which 'I ſo much blame in others. What is that, you'll ask me? There 'are ſome who ſtain Paper and perplex the Minds of their Hearers, 'who are but Novices as yet, with a thouſand ſilly Things and im-'pertinent Novelties, mix'd with barren, and often poiſonous Tares, 'inſtead of good Grain, *&c.*' Who does not perceive that the Caſes in queſtion are not thoſe grave Points of Diſcipline and Morality, *viz.* whether an Oecumenical Council is ſuperior to a Pope; whether 'tis lawful to appeal from the Pope's Judgment to the Council; whether 'tis allowable for any private Man to kill a Tyrant; whether the Pope is infallible and irreformable; but ſcholaſtical Subtleties and Difficulties, *quodlibetical* Queſtions, and Criticiſms of Myſtical Theology, which had taken place inſtead of the ſolid Works of the Ancients, touching Theology and Morality, as is very manifeſt from the whole Letter.

VIII. LET us ſee whether Father *Deſirant* was more fortunate in Diſcoveries hereafter. Yes, here comes a Piece that does it to Perfection; 'tis intitled, *A certain Extract of* Gerſon, *in the Manner of a Prologue, wherein he wiſhes that Readers would give the Preference to the ancient Doctors before his little Tracts* (*a*). Father *Deſirant* be-lieves the Title is wrong, and that inſtead of *Extract* or *Prologue*, it ſhould have been *Recantation*. We will ſee what Foundation he builds upon. He ſmells the Beginning of a Recantation in theſe Words, 'It 'were to be wiſh'd that human Nature, which is ſo deſirous of Know-'ledge, would diveſt it ſelf of the Itch of continually hearkening to, or 'advancing ſomething new, and keep ſoberly to what has already been 'happily found out; as to which I remember, I wrote you a very long 'Letter. Yet this is what we cannot prevail upon Scholars to do, 'eſpecially the younger ſort, who are fonder of new Compoſitions 'than old ones, like Children that hanker after new Fruit, tho

(*a*) *Gerſ. ubi ſup.* p. 100, 12

gree

'green and ſour, rather than ripe Fruit, which is ſounder and of bet-
'ter Digeſtion.' I don't here find the leaſt Shadow of a Recanta-
tion: Yet from the Words, *as to which I remember, I wrote you a very long Letter*, Father *Deſirant* draws two Concluſions; one, that *Gerſon* means the Letter to the Students of the College of *Navarre*, from which ſome Paſſages, as the Father has quoted them, were juſt now extracted; the other, that this Extract is poſterior to the Letter, and was *probably written towards the End of his Life.* Let us examine this Matter. True, the Extract is relative to the Letter to the Scholars of *Navarre*; but from thence I infer, that here is no Recantation; for, as I juſt now demonſtrated as plain as the Sun at Noon-day, there is nothing in this Letter about the Superiority of the Council, nor the Appeal from the Pope to the General Council, nor the Propoſitions of *John Petit*, nor the Reformation, but Scholaſtic and Myſtical Divinity, as to which even *Gerſon* does not at all retract. But there's a great Difficulty as to this Letter without a Date, and by conſequence, as to the Extract in form of a Prologue, which is Father *Deſirant*'s main Argument, *viz.* That it does not appear that it was written in *Gerſon*'s latter Days, after his Return from the Council of *Conſtance.* At that time the College of *Navarre*, as well as the whole Univerſity of *Paris*, was in Trouble and Combuſtion, thro' the Factions of the *Burgundians* and *Orleannois*, which was not a Time, by any Means, to ask and give Advice for Studies, as was ſaid to be done on both Sides. This appears from *Gerſon*'s Lamentations upon the Diſperſion and entire Ruin of the Univerſity, as Father *Deſirant* himſelf agrees, and as is prov'd from the Verſes of *Gerſon*, which he has quoted (*a*). Whereas the Letter in queſtion is written to Perſons who might ſtudy as quietly as they pleaſed, and receive Advice both as to their Studies and Conduct; and I find there's another Letter from *Gerſon* to the Scholars of the ſame College, dated at *Bruges*, to which he retir'd in 1400, to ſhelter himſelf from the Uproar in *Paris* (1). It appears from this Letter that he had wrote one to them before, which might be that perhaps, about which Father *Deſirant* makes ſuch a Pother. They are both of the ſame Tenor, *viz.* to reform the Studies, and to correct the Manners of thoſe Scholars. He begins the ſecond thus: 'Dear Brethren and Companions, I ſend this in Com-
'pliance with your Requeſt. I wrote one to you before, wherein I
'admoniſh'd you to adhere to the beſt Doctrine: For you have not the
'ſame Need as *Virgil*, to grope for Gold in Mud, or to extract Honey
'and Oil from a Wall; to which I added, that in the Cultivation of
'the Underſtanding the Heart muſt not be neglected. I perceive by
'your Anſwer that you took it in good Part, becauſe you exhort me

(*a*) *Diſſert.* II. p. 151.

(1) Upon Account of *Bened.* XIII.

to

'to write to you often.' If therefore these two Letters were written at *Bruges* between 1400, the Year that *Gerson* retir'd thither, and 1403, when he return'd, that is to say, ten Years before the Council of *Constance*, Father *Desirant*'s Battery is quite ruin'd. Thus we find no more Recantation in *Gerson* at the End of his Life than at any other Time.

THERE's no need of examining the rest of the Extract in form of a Prologue, because 'tis of the same Date with the Letters from *Bruges*, and besides it only discovers a modest Opinion of his own Works, Complaints of their being stolen from him, of their being curtail'd, and spoil'd, and a high Esteem for the Doctors that went before him; but no Recantation. So far from it, that he says in this same Place, that he preserves his Writings, because, as imperfect as he thinks them, they may be useful, by reason of the Fondness of most People for modern Compositions, tho' inferior to the Ancient. *Rursum, quoniam ita se res habet, ut quorundam curiositas adeò cupida sit novorum, quamvis imparium valdè veteribus, quod vel ex complacentia sumendi, quemadmodum in cibo corporali evenit, vel ex inertia videndi vetera, proficiet eis lectio novellorum. Eligibilior utique erit profectus vel paucus in istis, quam nullus in illis. Tandem quis nesciat esse, sicut in faciebus, sic in animabus differentias innumeras, & gustum spiritualem, sicut & carnalem compertum est variari, ut quidem isti ad nauseam, alteri ad salubrem nutritionem proveniat. Quis scit ad extremum, si gustatis rivulis studentes, aut dulcore rivulorum allecti conjecturare de fontibus sapidiora, aut limositore eorum potione fastiditi fontes exquirere, puriores valent a*[a]. 'Tis plain that the Thing in Question there, is the Turn of Expression, and not the Things themselves; and that instead of retracting them, *Gerson* is willing to communicate them, because they may serve and please in quality of modern Pieces. If any one would know who those Ancients are that he prefers to the Modern and his own Works, they are in the first Place the Fathers, particularly St. *Austin*, St. *Ambrose*, *Gregory* the Great, *Boetius*, St. *Bernard*, the pretended *Denis* the *Areopagite*; and among the Schoolmen, *Henry* of *Ghent*, *Alexander* of *Hales*, the Seraphic *Bonaventure*, the Angelic St. *Thomas*, the very reliable *Durand de St. Pourçain*. I have not time to examine whether all those Authors have treated of the Subjects upon which Father *Desirant* pretends that *Gerson* in the Close of his Life recanted. But however, I know that *Bonaventure* did not treat them, he is all over mystical especially in his Brevilogue, and in his Guide of the *Intelligent Soul to God*, so much recommended by *Gerson*. As I was turning over *Bonaventure*'s Brevilogue I met, however, with a Passage, in which not Father *Desirant*, but *Gerson* would have found his Account; and the latter [illegible] has not fail'd to quote it. *Bonaventure* speaking of Papal Power, that *Bp-*

[a] Tom. I. p. 125.

*tism may be received out of the Pale of the Church, but the Grace of Baptism and a happy Life are only in the Church, which is founded upon a Rock, which has receiv'd the Keys to bind and loose, and which alone possesseth all Power* (*a*). There's not a single Word of the Pope, or of the See of *Rome*, and I am not surpriz'd that *Gerson* prefers *Bonaventure* to the modern Canon Lawyers. 'Tis true, that Father *Petitdier* has quoted a Passage from *Bonaventure*, wherein he seems to declare for the Infallibility of the *Romish* Church in these Terms, *Et ad hoc patet responsio per prædicta, quia non corrumpimus, sed perficimus, nec sententia lata est contra perficientes, sed contra corrumpentes. Vel potest dici, sicut dicit Anselmus, quòd novum edidimus, quódque facere potuimus: Quia Romana Ecclesia plenitudinem potestatis à Petro Apostolorum Principe acceperat, in quam nulla Patrum Sententia nec Interdictum proponere, nec arctare potuit, nec ei præjudicare, nec ligare eam ad aliquid* (*b*). But 1. this Passage is not quoted from *Bonaventure*'s Books boasted by *Gerson*, which is the very thing in Dispute. 2. *Bonaventure* in this Place does not discuss the Question, whether the Pope or General Council is superior, but disputes against the *Greeks* in favour of the *Latin* Church. 3. When all is said and done, this Examination is not necessary, because the Letters wherein *Gerson* prefers those Authors to his own Works, are much older than the Council of *Constance*, as I just now observ'd. As for *Thomas d'Aquinas*, of whom *Gerson* says that he excell'd, especially in the *Secunda Secundæ of his Summary* (*c*); 'tis true that there's a very express Passage in it for the Superiority of the Pope, and Father *Desirant* has not forgot it. 'Tis necessary to put it down, in order to make our Remarks upon it. Concerning the Question, *Whether it belongs to the Pope to draw up a Creed? Thomas*, according to his usual Method, after having stated the Arguments for the Negative, declares for the Affirmative in these Terms, 'I answer, it must be said, as was observ'd above, that 'tis 'necessary to make a new Creed, to avoid the Errors which are ri-'sen up. The Publication of a Creed depends therefore on the Au-'thority of Him, to whom belongs the Prerogative of determining 'finally in Matters of Faith, to the end that this may be believ'd 'generally and unalterably. Now this is what depends on the Au-'thority of the Soveraign Pontiffs, to whom are referr'd the major 'Causes and difficult Questions, as it is said in the Decretals, *extra* '*de Baptismo C. Majores.* From hence it comes that our Lord '(*Luke* xxii.) said to *Peter*, whom he appointed his Soveraign Pon-'tiff, *I have pray'd for thee that thy Faith fail not, &c.* And the 'Reason of it is, that as the whole Church ought to have but one 'Faith, according as it is said, 1 *Cor.* i. 10. *That ye all speak the same* '*Language, and that there be no Division among you:* Which could 'not be observ'd, if when any Question of Faith arose, it was not 'decided

(*a*) *Brevil. Lib.* VI. *Cap.* V.

(*b*) Tract Theol. p. 331.

(*c*) *Op. Gerf. ubi sup.* p. 108.

'decided by him who preſides over the Church, to the end that his 'Deciſion may be conſtantly obſerv'd by the Catholick Church. 'There fore the making of a new Creed appertains, by Right, to the 'Pope alone, as well as all other things which relate to the whole 'Church, particularly the aſſembling of a General Council, and other 'Things of that Nature.' Let us now ſee what Father *Deſirant* can make of this Paſſage towards the Proof of *Gerſon*'s pretended Recantation. St. *Thomas* does not enter here into the Diſcuſſion of theſe Points, *viz.* Whether an Oecumenical Council is ſuperior to a Pope? Whether or no 'tis lawful to appeal from the Sentences of the Pope? Whether he is infallible? Whether, in caſe of a Schiſm, or the Pope's Refuſal, an Oecumenical Council may be aſſembled without him, *&c.* He only ſays, *that the Pope being Head of the Catholick Church*, to him appertains the Deciſion of ſuch Queſtions of Faith as relate to the whole Church, and the Right of aſſembling a General Council to repreſent the Catholick Church. And this is what *Gerſon* never deny'd, except in a Caſe of Schiſm or Hereſy. Let us hear his own Words in his Treatiſe of the *Power of the Church*, wherein he ſpecifies the Caſes for which a Pope may be depos'd by the Church. *It muſt be confeſs'd in the firſt Place*, ſays he, *that regularly, and even according to the Divine Law, a General Council ought not to be celebrated without being convok'd and approv'd by the Pope, provided there be but one Pope; and that there be no legal Accuſation againſt him.* In this Caſe *Gerſon* does not deny the Pope the Fulneſs of the Monarchical Power, at his own Diſpoſal; and only gives it to General Councils, to regulate the Exerciſe of it, in caſe there be a Schiſm, that the Keys are miſplac'd, and in caſe the Pope happens to go aſtray (1), which is what St. *Thomas* does not mention, becauſe in his Time there was no Schiſm nor Irregularity, *Gregory* X. being a peaceful Poſſeſſor of the See, and in Reputation for Sanctity. In this Paſſage of *Thomas d'Aquinas* the Point in Queſtion is not the Condemnation of Articles already condemn'd, nor the Deciſion of Articles already decided, which, according to *Gerſon*, appertains to the Biſhops in the firſt Inſtance, and to the Pope by Appeal; but it treats of a new Creed, which undoubtedly relates to the Catholick Church. Now *Gerſon* in this Caſe does not except againſt the Pope's Authority, becauſe he ſays, that *regularly, and by the Divine Law*, 'tis the Pope's Right to aſſemble a Council. 4. Let us ſuppoſe, however, that by *Gerſon*'s Conſtitutions, the following Conſequences may be inferr'd from *Thomas*'s Words, that the Pope is ſuperior to General Councils; that it is not lawful to appeal from the Judgment of the Pope; that in no Caſe a Council can be aſſembled

(1) Plenitudo Potes[illegible] in [illegible] ſubjective & monarchice in Papa. [illegible]

without the Pope; that the Pope is infallible, &c. What wou'd follow from it? All that can be inferr'd from thence is, that *Gerſon* approv'd of *Thomas*'s Divinity in all other Points; tho he was not of his Opinion concerning the Pope and the Council, he embraced his Opinion in the Matters of Faith and Morality, mention'd in the Letter, wherein he applauds him. It was with regard to Points of Speculative Divinity and Morality that *Thomas* adher'd to the *common and ſound Doctrine which was taught at Paris*, and not with regard to Diſcipline, for the *Gallican* Church always ſtood up for the Superiority of Oecumenical Councils, and never believ'd the Pope's Infallibility; nor that it was lawful to appeal from his Decrees, as Father *Noel Alexander* has demonſtrated in his fourth Diſſertation upon the XVth Century (*a*). Upon this Subject I will ſet down the Words of the late *M. Vigor*, a Member of the Grand Council of the King of *France*, wherein he ſhews that the *Gallican* Church always maintain'd its Rights and Liberties againſt the Pretenſions of the Court of *Rome*. The Paſſage is pretty long, but 'tis of the Purpoſe, and I am confident, that if Father *Deſiant* had read it, he would not have ſaid that *Gerſon* retracted not long before he dy'd. 'In like 'Manner, *ſays he*, the Church of *France* would never accept of the 'Brief of Pope *John* VIII, which conferr'd the Primacy of *France* 'and *Germany* upon *Anſegiſus*, Biſhop of *Sens*, becauſe it was contrary 'to the Canons. And tho' the King interpos'd in this Matter in fa'vour of the Pope, yet ſo it was that the Prelates would never con'ſent to it, as it is prov'd by the Continuator of *Aimoinius*, *The An'ſwer of the Biſhops was ſuch*, ſays he, *that they would willingly obey 'the Apoſtolical Mandates of their Lord Pope* John, *provided that he 'preſerv'd the Right of the Metropolitans ſafe and entire, according to 'the ſacred Canons* (*b*). And at the end of the Synod he ſays, *After 'ſeveral Complaints made againſt the Biſhops, as well on the Part of the 'Emperor, as on the Part of the Legates of the Holy See, Anſegiſus* gain'd as little Advantage at the Concluſion of the Synod, as he had *'done at the Beginning* (*c*). He ſays alſo in another Place, *As the Ru'mour of ſeveral troubleſome Affairs was univerſal, and as* Gregory *'Pope of* Rome *was come to* France *to excommunicate the Emperor, they 'boldly preſum'd to ſay that they would by no means acquieſce in the Pope's 'Will; and if he came to excommunicate, he himſelf would return ex'communicate, ſince he contraven'd the Authority of the ancient Ca'nons* (*d*). And where he ſpeaks at the Council of *Rheims* againſt *'Arnoul*, he ſays, *Let us revere the Church of* Rome, *with all our 'Hearts, in Remembrance of the Prince of the Apoſtles, as we have learnt 'from our Anceſtors; and let us wait her Anſwer, whether it be an An'ſwer worthy or unworthy of her, if the State of the Kingdom permits. 'If ſhe gives us an Anſwer for the Regulation of Things that are to be 'deſir'd*

(*a*) *Hiſt. Ec.* Tom VIII. p. 477, &c.

(*b*) *Lib.* 5. *Cap.* 33.

(*c*) *Lib.* 5. *Cap.* 14. *ann.* 833.

(*d*) *Cap.* 29.

' *deſir'd or avoided, according to Juſtice, we ſhall preſerve the Peace and*
' *Union of the Churches: If ſhe gives Rules, which are not juſt, we will*
' *follow the Admonition of the Apoſtles. Whoſoever, tho' he were an Angel*
' *from Heaven, preach any other Goſpel unto you than that which we have*
' *preach'd unto you, let him be accurſed. Gerbert*, Archbiſhop of *Rheims*,
' writing to *Siguinus*, Archbiſhop of *Sens*, ſays, *May the Goſpels, A-*
' *poſtles, Prophets, the Eccleſiaſtical Canons, which have proceeded from*
' *the Spirit of God, and are conſecrated by the Uſage and Obſervation of*
' *the whole World; and may the Decrees of the Apoſtolical See, which*
' *are not contrary to them, be a common Law to the Catholick Churches.*
' Thus therefore has the *Gallican* Church always maintain'd it ſelf in
' its Liberty of rejecting any Decrees of the Church of *Rome*, farther
' than they are conformable to the Canons. Now ſince the Church
' of *Rome* has pretended to aſcribe Infallibility and abſolute Power to
' itſelf alone; and ſince Provincial Councils are over, the *French* have
' maintain'd their Liberties by the Authority of a greater Power,
' *viz.* by Appeals to a future Council, or Matters of Grievance repre-
' ſented to the King or his political Magiſtracy, as Conſervator of the
' ſacred Decrees and Liberties of the *Gallican* Church (1). After
what has been ſaid, let Father *Deſirant* tell us, if he think fit, that *Gerſon* recanted in the latter Years of his Life.

IX. 'Tis poſſible, however, that *Gerſon* may be right enough in one reſpect: Yea, I grant it, *Gerſon* did recant; but let us ſee after what Manner. I will ſuppoſe for once with this Father, that *Gerſon* in his Letter approv'd of the Doctrine of *Thomas*, upon the Article of the Superiority of the Pope, and his ſole Right to aſſemble a Council. But when was it this Letter was wrote? It has already been obſerv'd that it was written at *Bruges* between 1400 and 1403. At that Time, therefore, he might entertain the ſame Opinion as *Thomas d'Aquinas*, concerning the Pope and the Council. But afterwards, when the Buſineſs was to put an end to the Schiſm, by the Calling of the Council of *Conſtance*, or by the depoſing and Reſignation of the Competitors, he chang'd his Opinion, and openly maintain'd that an Oecumenical Council is ſuperior to the Pope; that the Pope is not infallible; that he may be corrected, and even depos'd; and that Appeals may be made from his Decrees. Thus his Opinion of Things was quite chang'd. According to Father *Deſirant* the Articles juſt now mention'd, *viz.* that the Council is ſuperior to the Pope, that Appeals may be made from his Decrees, and that a Council may be aſſembled without him, were the Articles of *Gerſon*'s final Recantation; but I ſay, that the Doctrine, which is the very Reverſe

(1) *Vigor de Diſcipl. Eccl. Lib.* III. p. 122, 123. written in 1613, and publiſh'd in 1683, at *Paris*. See the reſt of the Paſſage above.

of

of these Articles, was what he recanted, *viz.* the Pope's Superiority over the Council, the Impossibility of assembling a Council without him, his Infallibility, the Illegality of appealing from his Decrees, *&c.* If ever *Gerson* retracted, certainly it was with regard to these last Articles, and in that Opinion he persisted to the End of his Life, as has been seen by the Testimony of *Vigor*, and as will appear more at large by and by. But when all is done, he never retracted once. We will now state Father *Desirant*'s Proofs in Form.

*GERSON* spoke with Modesty, and even with Contempt of his own Works.

HE also gave the Preference, by far, to the Works of his Predecessors.

HE had a great Esteem for the Doctrine of *Thomas d'Aquinas*, tho' the latter declar'd that 'tis the Prerogative of the Pope to make a Creed, because he is the Head of the Catholick Church, which such Creed relates to, and that only he can assemble a General Council to represent it.

*ERGO, Gerson* did retract.

*ADMISSI risum teneatis amici.* I have sufficiently prov'd, as far as a Fact can be prov'd, that *Gerson* never retracted at all. However, I will add some more Proofs of it into the Bargain.

X. IF *Gerson* ever retracted in his latter Days, no body could know it better than his Brother, who was also call'd *John Gerson*, Prior of the *Cælestins* at *Lyons*, who, in 1422, writing to *Anselm*, a Frier of that Order, who had desir'd a Sight of our *Gerson*'s Books, after having said that in his Time several Authors had clear'd up a great many Truths which had been very much perplex'd in former Ages, he reckons his Brother one of this Rank. 'We had a late Discovery of this, 'says he, at the Sacred Council of *Constance*, where, in the Name of 'Charles VI. King of *France*, and on the Behalf of the University of 'Paris, to both of which he was solemn Ambassador, and in his own 'Name also, he labour'd with all his Might to obviate the malicious Intrigues of the Enemy, left this Council, which was assembled 'for the Union of the Church and for the Extirpation of Heresy, 'should be dissolv'd and vanish into Smoak. For this End, he wrote 'several excellent Tracts which were publish'd in the Council. Finally, like the trusty watchful Dog of a Shepherd's Flock, he bark'd 'against pestilential Heresies; and it was this Zeal for the Truth 'that oblig'd him to leave his House, his Native Country, his Town, 'his Kindred, Friends, Offices, Estate, and expos'd himself to continual Snares (*t*).' Could this now be the Fate of a Man who had retracted the very Sentiments that had subjected him to the Persecution? But it may be reply'd this Letter was writ in 1423, whereas *Gerson* did not die till 1429. It has been already observ'd that he had

(*a*) *Oper. Gerf.* T. I. Fol. CLXXV.

not retracted in 1424. And if he had retracted afterwards, he would not have dy'd in his Retirement, but would have gone back again to his Houſe, Country and Town, with his Kindred and Friends; and would have been again poſſeſs'd of his Eſtate and Offices according to his Deſire, as his Brother declares in theſe Words, *Præſtolatur cum ſilentio ſalutare Dei, ſi forte ſit ſpes, ſi veniat tempus miſerendi ejus.* But what invincibly proves that *Gerſon* did not retract, is, that they who have made an Apology for him, needed no other Argument than this pretended Recantation, to anſwer the Objections drawn from the Tracts wherein he eſtabliſh'd the Superiority of the Councils over the Pope, the Right of appealing from his Decrees to an Oecumenical Council, and the Legality of even depoſing him in certain Caſes, inſtead of excuſing him after another Manner, as they have done, by ſaying, that he only advanced thoſe Principles at a Time when there was an obſtinate deep-rooted Schiſm; but that he did not put thoſe Maxims in Practice (*a*). This appears alſo very manifeſt from the Letter of Conſolation which the Archbiſhop of *Lyons* wrote to the Brother of the Chancellor *Gerſon*, the 15th of *July* 1420, that is to ſay, five or ſix Days after the Chancellor's Death. In this Letter it is ſaid, that *Gerſon has ſuffer'd a tedious Exile for the Truth, that he has confuted Hereſies, and extoll'd Truth, that he has been a glorious Confeſſor for it, and even a Martyr* (*b*). It ſeems likewiſe that the honeſt *Cæleſtin* had been ſomewhat uneaſy in his Mind that his Brother ſhould meddle or make in Affairs of ſuch high Importance, and ſo liable to Contradiction. *Don't be uneaſy*, ſays the Archbiſhop to him, *at his having given a Solution of certain intricate Caſes: Believe me, he has not left his Equal behind him in this Reſpect. For as he was always improving in the Field of our Lord, he never let his Pen reſt till he had tranſmitted the Reſolution of many Difficulties to Poſterity.* Laſtly, if he had ever retracted, he would not have fail'd to have mention'd it in his Will whereby he left his Library to the *Cæleſtins* of *Avignon* about a Year before his Death. *I beg you*, ſays he, *my Dear Fathers and Brethren, to preſerve this poor Treaſure, not to alienate it, and on the other hand, not to conceal it, but to communicate it according to the Wiſdom of the Superior.—I have reſolv'd to make a Liſt not only of my own Books and Treatiſes, but of thoſe of others* (*c*). If he had a Mind to diſown any of them, then was his Opportunity to have done it. But I am aſhamed to think how much Time I have ſpent in the Proof of a Fact ſo evident as *Gerſon*'s unalterable Steadineſs in thoſe Principles which Father *Deſtrant* pretends he retracted. But there was an abſolute Neceſſity of inſiſting upon it, becauſe *Gerſon* having been one of the main Pillars of the Council of *Conſtance*, his Retractation of thoſe Principles would inevitably have given a great Shock to that Council. We will now ſee whether the Council of *Conſtance* retracted

(*a*) *Gerſon*'s Life, Edit. 1606 prefix'd to his Works at *Antwerp*, 1706. Fol. CLXVII.

(*b*) *Ub. ſupra* Fol. CLXX.

(*c*) *Ut ſupra*, Fol. CLXV.

tracted, as the Hermit of St. *Auguſtin* aſſerts in his third Diſſertation.

XI. THE Title of this Diſſertation, is, *Retractations of the Firſt Obedience of the Council of* Conſtance, *upon the Acts of the Thirteen firſt Seſſions.* The Abridgment of the Diſſertation which follows, is nothing but Lies and Contradictions, from the Beginning to the End. Father *Deſirant* ſays in the firſt Place, *That the* Gibeline *Faction* (1) *had loſt its wretched Name, and was chang'd into the* Gerſonian *Faction, which produced the Council of* Piſa. 1. 'Tis not true that the *Gibeline* Faction was ſuppreſs'd before the Council of *Piſa.* Tho' the Marſhal *de Boucicaut* aboliſh'd the Names of the *Guelphs* and *Gibelines* at *Genoa*, thoſe Factions ſtill haraſs'd the reſt of *Italy*, put *Rome* into a Combuſtion in 1405, at the Time of the Election of *Innocent* VII; and in 1410, *John-Mary Galeas* Duke of *Milan*, was at the Head of the *Gibelins* (*a*). Moreover, what Relation is there between the Faction of *Italy* and that of the *Orleannois*, or *Armagnacs* and *Burgundians*, who quarrell'd for the Government during the Sickneſs of the King of *France?* This Parallel therefore is quite out of Seaſon, and can have no other Aim than to render *Gerſon*'s Conduct odious, who had no Concern in any of thoſe Broils, but to pacify them; and was ſo far from being one of a Faction, that he had like to have fallen a Victim to the Seditions. 2. But as *Gerſon* very well deſerves one Word of Apology againſt the ſiniſter Impreſſions of Father *Deſirant*, let us ſee how he behav'd after he enter'd on the publick Functions; which is a Piece of Hiſtory that cannot be diſpleaſing. This was in 1393, at the Time when the Care of all *Europe* was to put an End to the Schiſm. *Gerſon* labour'd for it, with the whole *Gallican* Church and the Academy of *Paris*, whoſe Rector at that Time was *Nicholas Clemangis*, and whoſe Chancellor was *Peter d'Ailli.* Will Father *Deſirant* reckon it a Crime in *Gerſon*, then a Profeſſor of Divinity, that he united with *Peter d'Ailli* and *Giles des Champs* his Collegues, to engage *Clement* VII. to give Peace to the Church, by the Method of Reſignation which the whole Univerſity had approv'd? This the Father cannot do, becauſe, according to his own Declaration, *Clement* VII. was an Antipope. This *Clement* dy'd the Year following, and was ſucceeded by *Benedict* XIII, who ſolemnly promis'd, both before and after his Election, to reſign for the Sake of the Union. But ſo far was he from keeping his Word, that he iſſued one Excommunication after another, againſt the Univerſity, which thereupon appeal'd to the future Pope, becauſe *France* did not acknowledge

(*a*) Hiſtory of the Council of *Piſa*, Vol I. p. 249. Vol. II. p. 32.

(1) There were two Factions in *Italy*; the one call'd *Gibeline*, which was for the Emperor and the Secular Princes; the other call'd *Guelph*, which was at that Time for the Popes.

*Urban*

*Urban* VI. If this Appeal was a Crime, it was the Crime of the whole Body and not *Gerſon*'s. But what do I ſay? 'Twas the Crime of all *Europe*; for the King of *Hungary*, the Electors of *Triers* and *Cologn*, the Dukes of *Bavaria* and *Auſtria*, the Kings of *Navarre* and *Aragon*, and even *Benedict*'s Cardinals declar'd for the Method of Reſignation; ſo that the *Engliſh* was the only Nation that preferr'd the Method of a Council, which they were fain to have Recourſe to at laſt. (1) *Peter d'Ailli* being made Biſhop of *Cambray*, in 1396, *Gerſon* ſucceeded him in the Office of Chancellor which he preferr'd to the Employments at Court, and which the Duke of *Burgundy* was very glad to procure for him to put him out of the Way, becauſe if he had ſtay'd at Court he would have eſpous'd the right Party, *viz.* the Intereſt of the King and the Royal Family. In this Poſt he omitted nothing which might contribute to the Glory of the Kingdom, to the Peace of the Church, to the Advantage of the Univerſity, and to the Improvement of Learning. Mean time the Schiſm ſtill continued. And the Church was reduc'd to ſuch Extremities, on the one hand, by the Artifices of *Benedict* XIII, to retain the Pontificate, notwithſtanding his Engagements; and on the other hand, by the immoderate Simony of *Boniface* IX, that all Mankind thought it on the Brink of Ruin, without a ſpeedy Remedy. All *France*, and even Foreigners apply'd for this End with one common Voice to *Charles* VI, and at that Time every Thing depended upon the Univerſity of *Paris* and its Chancellor, who was no longer ſupported by *Peter d'Ailli* and *Nicholas de Clemangis*, the latter being call'd to *Avignon*, there to act as Secretary of State: So that *Gerſon* had all the Burden upon his Shoulders, beſides *Benedict*'s Party at his Back, of whom there were ſeveral in the Univerſity, who, for the ſake of obtaining Benefices, cheriſh'd his Obſtinacy, and by conſequence the Schiſm (*a*). In 1398. it was reſolv'd in *France* to revolt from the Obedience of *Benedict*. *Gerſon* was ſo little inclin'd to every Thing that had the leaſt Air of Sedition, that he was uneaſy at this Revolt, but contented himſelf with not oppoſing the Publication of the Edict for that Purpoſe, which was read by his Collegue *Giles des Champs* (*b*). Mean time, notwithſtanding his pacifick Diſpoſition, he was expos'd to ſo many Diſappointments, Injuries, imminent Dangers, Inſults and Oppreſſions of every kind, that he was forc'd in the Year 1400. to retire from *Paris* to *Bruges*, more like a Martyr than a Diſturber of the Peace. He expreſſes this in very moving Terms, in a Letter which he wrote from that City to his Friends at *Paris*, giving an Account of his Retreat. Indeed never was Situation more ſhocking than his, ſince he was to trim between two Parties, combin'd againſt each other with the utmoſt Fury. We will hear him relate his Diſtreſſes. 'I am

(*a*) Hiſtory of the Univerſity of *Paris*, T. IV. p. 762.

(*b*) *Gerſ. Op.* T. II. p. 1, 2. 25. *Gerſoniana* Fol. XV.

(1) This may be ſeen at large in the Hiſtory of the Univerſity of *Paris*, Tome IV.

'forc'd, *says he*, to obey ſeveral powerful Maſters who hate each other 'mortally. I don't name them, they are ſo well known (this was the 'Duke of *Orleans*, the King's Brother; and the Duke of *Burgundy*.) 'I am oblig'd to take Steps contrary to my Inclination, out of Com-'plaiſance to Friends, who at the ſame time have not Power enough 'to ſcreen me from a potent Faction, which ſlanders every thing I do, 'and turns every thing that I ſay, againſt me. I am conſtrain'd to op-'poſe Sollicitations as unjuſt as they are importunate, or to contract 'Guilt by not oppoſing them. I am under a Neceſſity by falling in with 'the Torrent of Cuſtom, to advance ignorant and diſſolute Perſons, to 'the Prejudice of Perſons of the beſt Qualifications. I am compell'd to 'throw my ſelf into the Waves of a ſtormy Court, or to paſs for an un-'grateful Man; and I muſt follow the Multitude, to do what I neither 'like nor can juſtify, or be deem'd an Enemy and a Man of Ambition. 'I am fain to ſpeak againſt my Conſcience, or to bear with Silence the 'pernicious Doctrines which ſome have already planted (meaning Abſo-'lute Power, the Infallibility and Independence of the Pope, and the ſe-'ditious Propoſitions of *John Petit*) and if I ſhould call them in Queſtion 'my Life would be in Danger, and the Truth too perhaps, by ſpeak-'ing it out of Seaſon—.' Is this now the Character of a ſeditious Perſon?

*GERSON* returning againſt his Will, by Order of the Duke of *Burgundy*, to whom he wiſh'd he had no Obligation, was expos'd to freſh Attacks. This was in 1403, when it was debated in *France*, whether the Obedience ſhould be reſtor'd to *Benedict*, who pretended that he would be as good as his Word. *Gerſon*, as well as the Duke of *Orleans*, was for reſtoring the Obedience, but upon certain Conditions; and accordingly it was reſtor'd to the ſaid Anti-pope. The Moderation of the Chancellor did not fail to raiſe him Enemies, of whom ſome were for an unlimited Reſtoration of that Obedience, and others would not hear the leaſt Mention of any Reſtriction: So that whatſoever Courſe he ſteer'd, whether he put on Reſolution, or choſe Complaiſance, he was ſure to pleaſe no body. He had as many Contradictions to ſtruggle with, when he went in the Name of the Univerſity to wait upon *Benedict*, both at *Taraſcon* and *Marſeilles*, as may be ſeen in the Hiſtory of the Council of *Piſa* (*a*), in *Gerſon*'s Life by *D. Vonder Hardt* (*b*), and in the Complaints he made to *Peter d'Ailli* and the Duke of *Orleans* (*c*), that ſiniſter Conſtructions were put upon his beſt Intentions (*d*). In 1405, he made a Speech before the King, which was ſo far from breathing Sedition, that the ſole Tendency of it was to reconcile the Factions of *France*, and to reform the Kingdom.

(*a*) T. I. p. 121, 125.
(*b*) T. p. 39.
(*c*) Hiſt. of the Univerſity of *Paris*, T. V p. 81, 82.
(*d*) *Op. Gerſ.* T. II. p. 74.

*BONIFACE* IX. being ſucceeded by *Innocent* VII. and he by *Gregory* XII, *Gerſon* negociated with theſe two Succeſſors for the Union of the Church, and eſpecially to obtain an Interview betwixt *Benedict* and

and *Gregory* at *Savona*. In 1407. he was one of the Deputies or Ambaſſadors ſent by the King of *France* to theſe two Rival Popes to engage them to give Peace to the Church, by their Reſignation. All this while there was no Sedition; *Gerſon* acted by Order of the King his Maſter; and his Collegues in the Embaſſy were a Patriarch, an Archbiſhop, five Biſhops, five Abbats, three temporal Lords, and ten Doctors of Divinity and Law, excluſive of the Maſters of Arts. Nor can the Speech be chargeable with Sedition, which he made at *Rheims* in 1408. for the Reformation of all the Eccleſiaſtical Orders, and to demand the Calling of an Oecumenical Council. This was a Sedition and Hereſy, of which not only *France* was guilty, but almoſt all *Europe*, and even the Cardinals of the two Obediences; becauſe, except four or five, they united to aſſemble a General Council in order to oblige the Competitors to reſign, or to depoſe them and elect another, as happen'd at the Council of *Piſa* in 1409.

3. FATHER *Deſirant* may call that Council a ſchiſmatical Conventicle and a Faction, as long as he will; 'tis not, however, a *Gerſonian* Faction, as he treats it; it will appear to be a Faction, conſiſting of twenty two Cardinals, four Patriarchs, twelve Archbiſhops, fourſcore Biſhops, beſides the abſent, who had their Proctors in the Council, the Abbats, Regular Superiors, Provoſts, Canons, the Temporal Ambaſſadors, and a great number of Divines, among whom *Gerſon* did not make one, as our Author owns (*a*). 'Tis true, that he approv'd it, and even made a Speech in its Favour to the *Engliſh* Ambaſſadors, who were alſo Part of the *Faction* that went to the *Conventicle* of *Piſa*. It was even before this Council that he wrote a Treatiſe about the Means of uniting the Church, wherein he gave the Method of Reſignation the Preference to all others; but this was at that Time the general Opinion. Be it as it will, I find Father *Deſirant*'s Opinion attended with a great Inconveniency, which is this, *viz.* if the Council of *Piſa* was no more than a factious *Conventicle*, it will follow that all the Popes who have ſat ſince *Alexander* V, to the preſent, deſcend in a direct Line from a *Conventicle* and a *Faction*. This was ſtrenuouſly repreſented by Cardinal *Julian* Vice-Preſident of the Council of *Baſil*, to *Eugene* IV, when he was inclin'd to diſſolve that Council, as *Lewis Maimbourg* has very well obſerv'd in theſe Terms. 'And 'would to God, *ſays he*, that Cardinal *Bellarmine* and *M. Schelſtrate*, 'had but read this Epiſtle before they had made an Objection to us 'which has ſuch dangerous Conſequences in the Train of it. I am 'oblig'd *(ſays the Cardinal to the Pope)* moſt holy Father, to remon-'ſtrate to your Holineſs, that if the Decrees of *Conſtance*, which 'the Council of *Baſil* has renew'd, are of no Authority, that by 'which *John* XXIII. was depos'd is not valid. If this be the Caſe, 'the Election which was made of Pope *Martin* V. during the Life

(*a*) *Differt.* III. p. 9, 53.

'of *John* XXIII, is null and void, and the Election of your Holi-
'neſs the ſame by conſequence, becauſe you were choſe by Cardi-
'nals created by a Perſon who was not Pope. 'Tis evident, that for
'this very Reaſon, all other Elections that have been made from
'*Martin* V. to the preſent Pope, would be illegal (*a*).

(*a*) *Maimb.* Hiſtory of the Church of *Rome*, p.m. 221, 222, & *ap. Æneam Sylv.* p. 141, 142.

4. *ALEXANDER* V, who dy'd in the Year following, and was ſucceeded by *John* XXIII, having given the Friers Mendicant Authority by a Bull, to preach wherever they pleas'd, to confeſs and perform all the Paſtoral Functions, independently of the *Ordinaries*, and to the Detriment of the Pariſh Prieſts; the Univerſity openly oppos'd it, and prevail'd with the King to ſuppreſs the ſaid Bull. It muſt be confeſs'd, that *Gerſon* was the Man to whom the Suppreſſion of it was chiefly owing, as appears from the Sermon he preached at *Paris* againſt that Bull, on the Part of the Univerſity (*b*). That, perhaps, was the Beginning of the *Gerſonian Sedition.* But it was equally the Sedition of the King of *France*, the Univerſity of *Paris*, and of *John* XXIII. himſelf, who ſucceeded *Alexander* V, becauſe he revok'd his Predeceſſor's Bull by one of his own in 1410 (*c*). And indeed the pretended Sedition was carry'd farther in *France*, for there they appeal'd to a General Council, againſt the Pretenſion of *John* XXIII. to the Tenths and Revenues of the vacant Benefices. But it does not appear that *Gerſon* had any more to do in that Affair than others: And *John* XXIII, who is ſo much concern'd, did not look upon that Appeal as Sedition, becauſe in 1412. he granted the Univerſity two conſiderable Privileges; the one, which was the Power of abſolving by the Chancellor, *John Gerſon*, all thoſe of their Body who might be under Cenſure; the other, that ſuch of the Univerſity as ſhould have Actions brought againſt them, ſhould not be oblig'd to anſwer before the Apoſtolical See, but only before the Biſhop. This is very plain from two Bulls of that Pope, the one directed to *Gerſon*, the other to *Gerard de Montaigu*, Biſhop of *Paris* (*d*). Which the Pope confirm'd by his Bull to *Alaman*, Cardinal Prieſt of St. *Euſebius*, his Legate in *France* (*e*).

(*b*) *Gerſ Opp.* T. II. Part III. p 431, 442.

(*c*) Hiſt. of the Univerſity of *Paris*, T. V. p. 204.

(*d*) Hiſt. of the Univerſity of *Paris*, T. V. p. 222, 227.

(*e*) Ibid. p. 228, &c.

5. IN 1413, *Gerſon* was ſo far from being a ſeditious Perſon, that as he endeavour'd to quell the Riot of the Butchers, he had like to have loſt his own Life in the Quarrel, being plunder'd by that mad Rabble, and forc'd to go and hide himſelf in the Vaults of a Church (*f*). The Sedition being ſuppreſs'd, *Gerſon*, by Order of the Court, was employ'd at the Head of the Univerſity to quiet the Kingdom, in which he ſucceeded, and generouſly begg'd the King to pardon the Rioters, which he obtain'd. In the Diſcourſe he made upon this Occaſion, he demanded the Condemnation of the ſeditious Propoſitions of *John Petit*, which could not be obtain'd till then, becauſe of the Ravings of the *Burgundian* Faction, to which that Monk had

(*f*) Ibid. p. 235.

had been Advocate. For this Purpoſe there was a General Aſſembly of the Univerſity, wherein *Gerſon* made that Diſcourſe, the Subſtance of which is mention'd in the Hiſtory of the Council of *Piſa*. *John Petit*'s Propoſitions were condemn'd by the Univerſity, by the Biſhops Council of Faith; and the ſaid Condemnation was confirm'd by an Edict of the King of *France*, dated in *July* 1413. Hitherto *Gerſon* is as far from Sedition as Heaven from the Earth.

7. IN 1414, Preparations were made for the Council at *Conſtance*, to which the Univerſity ſent Deputies: And *Gerſon* being at the Head of them, this, perhaps, is the Epocha of his Sedition. And indeed it was at that Time that he was more perſpicuous, more ſtrenuous and bolder than ever, in maintaining thoſe Propoſitions which Father *Deſirant* treats as ſeditious, *viz.* That a General Council is ſuperior to the Pope: That the Pope is inferior, and oblig'd to ſubmit to it: That there are Caſes in which a Pope may be depos'd: That Appeals may be made from the Pope's Decrees to a General Council. But I don't know what Spite Father *Deſirant* can have againſt *Gerſon*, to place this Doctrine to his Score alone, and to call it his *Sedition*. Why did he not impute it rather to *Peter d'Ailli*, who was *Gerſon*'s Tutor, and who, as Father *Deſirant* agrees, taught him thoſe Principles (*a*)? But when all's ſaid and done, it was the Sedition of *Philip the Fair*, who, above 50 Years before *Gerſon* was born, appeal'd from *Boniface* VIII. to a General Council, and who, let St. *Auſtin*'s Hermit ſay what he will, did not retract. This was Sedition, of which the whole Council of *Piſa* was guilty, and it had alſo infected *Germany*: For of the Diet of *Franckfort*, in 1408, there was a Doctor of Laws, one *Robert de Franzola*, an Advocate of the Conſiſtorial Palace of *Mentz*, who publickly maintain'd the ſame Doctrine as *Gerſon* (*b*). This was likewiſe the Sedition of *Italy*, where the Univerſities came to a Concluſion that a Council might be aſſembled without the Pope. It was the ſame at the Council of *Conſtance*, where *Gerſon* being authoriz'd with Inſtructions from his Univerſity, and from the King, advanc'd nothing of his own Head. The ſame was the Sedition of the *Germans*, the *French*, the *Engliſh*, the *Spaniards*, when united, and even of moſt of the *Italians*. But let it be this *Gerſon*, or any other, 'tis not to be conceiv'd how Father *Deſirant* had the Courage to plunge himſelf deeper in the Mire, and to ſtand againſt ſo ſolid a Recrimination as this to which he is liable. I appeal to every diſintereſted Judge to know who are the Seditious: They who ſtood up for the ancient Canons, which ſubjected the Pope to General Councils; or *Gregory* VII. and his Succeſſors, who fram'd a new Canon Law to give them a Deſpotick Power over the Catholick Church, and over all the States of Chriſtendom. I do not declare my Opinion here, whether *Urban* VI. or *Clement* VII. was the lawful

(*a*) *Diſſert.* I. p. 108.

(*b*) Hiſtory of the Council of *Piſa*, Tom. I. p. 332, 333

lawful Pope, and am ready to agree with Father *Desirant*, that *Urban*, and consequently his Successors, were the true Popes. But all that I demand is, who were the Seditious; whether they who were for promoting the Union of the Church, by the Resignation of the Competitors; or *Urban* VI, *Boniface* IX, *Innocent* VII. and *John* XXIII, who were for holding the Pontificate in spite of the whole Church, and combin'd together to continue the Schism.

7. BUT here comes the Sedition; which is, that by *Gerson*'s own Confession, the Doctrine of the Superiority of a General Council over the Pope, and of the Legality of appealing from the Decrees of the Pope, is a new Doctrine, of which no mention was ever heard before the Quarrels of *Philip the Fair* with *Boniface* VIII; and that this is an Error renew'd by *Gerson*, and by the Councils of *Pisa* and *Constance*. We will hear what Father *Desirant* says himself (*a*).

(*a*) *Dissert.* II. p. 137. See also *Diss.* I. p. 83, and II. p. 175.

*AUREA Ecclesiæ Gallicanæ secula proferimus usque ad Regem Ludovicum Sanctum, qui hujus nominis Nonus dicitur, piumque diem clausit Carthagine anno* 1270, *viventibus, & communem Parisiensis Universitatis Doctrinam promoventibus Divis* Bonaventura *&* Thoma Aquinate, *qui ambo vitam anno* 1274. *sanctissimè finierunt. Prisca fides regnante* Ludovici *filio* Philippo III. *qui anno* 1285 *obiit, perduravit.* Philippus IV. Philippo *Patri successit eodem anno, & dum sancto* Cælestino *Papæ anno* 1239, *sponte renuntianti surrogatus esset* Bonifacius VIII. *infaustæ mutationis Epocha originem duxit ab impugnatâ Bonifacii VIII. electione, cujus nullitatem primi satellites novitatis, in renuntiationis ausi stabilire impotentia, Orbem Catholicum Bonifaciano crimine conturbârunt. Hinc initia dolorum. Error impotens Successoribus displicuit, sed non errandi licentia. Inconstantia malum geminavit. Parum enim ipsis fuit, decessores suos in hoc, quod Papatum inauferibilem dixissent, deserere, dummodo Romanos Pontifices per Doctrinam contrariam pari ausu infestarent. Crimen loquimur* Urbanianum, *cujus Auctores, Successoresque, multa quidem adversùs Pseudo-Pontifices, quos adoraverant, contradictoriè gesserunt, & manuum suarum opera fœdarunt, dignam verò pœnitudinis viam, honoris appetitu victi, assumere detrectarunt. Olim pro Papæ Inauferibilitate certaverunt usque ad furorem.* Johannes Gersonius *nunc in lucem dabat libellum*, De Auferibilitate Papæ ab Ecclesia. Extat Tomo I. p. 154. Et is quidem totius argumenti, pro componendi longi Schismatis modo fabricati, promus & condus fuit. *Gloria hæc Universitatis Parisiensis, si Cancellario ejus credimus, tunc temporis erat ut ipsa Schismatis quod foverat, componendi ordinem præscriberet, novaque Orbi Catholico jura daret.*

WE will now see *Gerson*'s Words, wherein *Desirant* pretends he makes a Confession that before the Councils of *Pisa* and *Constance*, it was reckon'd unlawful to appeal from the Pope to a General Council. 'The Contempt of the Keys, *says Gerson*, is more 'dangerous

'dangerous, with regard to the Pope, than with regard to Inferiors, 'becauſe Recourſe may be had to the Pope, by way of Appeal, 'againſt the Impoſition of Inferiors. And if it be ſaid that an Ap-'peal may be made to a General Council, 'tis true, they ſaid formerly 'before the General Councils of *Piſa* and *Conſtance*, that it was not 'lawful; and they made ſuch expreſs Allegations of their Rights 'as to them ſeem'd good. But now we are plainly aſſured that 'tis 'a Hereſy, condemn'd by a very expreſs Conſtitution of the Council 'of *Conſtance*, which was there put in Execution.' There are ſome Remarks to be made upon this Paſſage of *Gerſon* quoted by Father *Deſirant*. 1. It appears from it, that the Pope may abuſe the Keys; which is a Blow at his Infallibility. 2. This Manner of Speaking, *they ſaid*, does not denote a general and unanimous Opinion; but rather a particular Opinion, and one that is not approv'd, as was the Opinion of the new Canon Lawyers. 3. The heretofore (*olim*) of *Gerſon* may be extended or limited according to Diſcretion, and may as well be underſtood of a hundred Years, as of a thouſand. 4. *Gerſon* explains himſelf fully enough, by ſaying that thoſe Perſons had their *Rights*, which can only be underſtood of a particular Law, ſuch as is the modern Canon Law, introduc'd ſince *Gregory* VII, that is to ſay, above 300 Years before the Councils of *Piſa* and *Conſtance*. 5. This Opinion is call'd a *Hereſy*, which had prevail'd in Proceſs of Time, and which the Council of *Conſtance* had condemn'd. This therefore is not ſo much a *Confeſſion* as an indirect Cenſure of the new Canon Law. If *Gerſon* had ſaid, that in all Times before the Councils of *Piſa* and *Conſtance*, it was every body's Opinion that it was not lawful to appeal from the Decrees of the Pope, this would have been a Confeſſion of the Novelty of his Principles. But we ſhall find the very Reverſe in the Treatiſes he wrote upon the Subject before, during, and even after the Council of *Conſtance*.

HOWEVER, we will tell Father *Deſirant* of another Confeſſion, made by *Gerſon*, in which, perhaps, he will find his Account better. It did not eſcape Father *Petitdidier* (*a*), of whom we will ſpeak hereafter. But as he has curtail'd the Paſſage, we muſt give it as it ſtands. *Gerſon* ſpeaking of the Privileges with which the Popes are flatter'd, explains himſelf thus: 'Flattery, ſays he, ſets him above 'the Law, and gives him the Power of taking away another Man's 'Right. It ſays that 'tis by no Means poſſible to appeal from his 'Judgment, nor to bring him before any judicial Court, nor to with-'draw from his Obedience, eſpecially where it is not a Caſe of He-'reſy. None but he can make a Creed; none but he can treat of 'Articles of Faith and other greater Cauſes; none but he can give 'Deciſions, Rules, Laws and Canons. And whatever is deſin'd, de-'creed, drawn up, and enacted otherwiſe, is null and void; whereas 'nothing

(*a*) *Traité Theolog. &c.* P. 5.

'nothing that he orders can in any ſort be repeal'd but by himſelf, 'and he cannot be bound by any other Conſtitution whatſoever. I 'am miſtaken, if ſeveral, whom we may rather call Men of Letters 'than Learning (*Litteratium magis quam Litteratorum*) were not ſo 'fondly poſſeſs'd of this Tradition, before the Celebration of the 'Sacred Council of *Conſtance*, that the Man who ſhould have pre-'ſum'd to maintain the contrary Opinion, would have been condemn'd 'for a Heretick. Here is a Proof of it, *viz.* That after a Declaration 'as clear as the Sun at Noon-day, from Principles of Theology; 'and what is ſtill more important, after the Determination and Prac-'tice of this ſame Sacred Council, there are ſuch Perſons in 'the World as fear not to affirm ſuch Things in publick, ſo deep 'rooted is this mortal Poiſon of ancient Flattery, and ſo far has it 'ſpread like a Cancer to the very Bones and Marrow (*a*). There's a Confeſſion of *Gerſon*, and ſuch a Confeſſion which is very confound-ing to Father *Deſirant*, and thoſe of his Claſs. 1. 'Tis Flattery which he firſt makes to ſpeak, and then banters its Language. 2. He ſpeaks, and that doubtingly (*fallor*) but of *ſeveral*, and not of all. 3. They are not Men of Learning; they are only hackney Scribblers to the Court of *Rome*. 4. He ſpeaks of this Doctrine newly ſup-preſs'd by the Council of *Conſtance*, not as of a Tradition in gene-ral, of a Tradition drawn from the *Principles of Theology*; but as of a certain Tradition (*iſta Traditio*) which might indeed be very an-cient, becauſe it might be about three hundred Years old. 5. 'Tis for this Reaſon he calls it an inveterate Cancer, and a mortal Poiſon, which has been a long time conſuming the Marrow and corrupting the whole Maſs of Blood, *Tam radicatum eſt ut cancer ſerpens, tam me-dullitùs imbibitum fuit:* HOC PRISCÆ ADULATIONIS VIRUS LE-THIFERUM (*b*).

(*a*) *Gerſ. Op.* T. II. p. 247

(*b*) Tom. II. *Conſid.* XII. p. 247.

AFTER all, now what does this ſignify to the Point in hand? I will grant all that Father *Deſirant* would have. Nay, many Ages before *Philip the Fair*, it was the Opinion that it was not lawful to appeal from the Pope to a General Council, becauſe the Pope is a-bove a Council; and *Gerſon* himſelf has own'd it. Well, be it ſo. Then, *Gerſon*'s Doctrine is not ancient, and is by conſequence ſeditious. The Concluſion is quite wrong in both Members of it. Every body knows that there is nothing more ambiguous than theſe Words *an-cient* and *modern*, they being Relative Terms, which may be extended and limited, according to the Caſes to which they are apply'd. A Doctrine of ſix hundred Years Growth, for inſtance, is ancient, with regard to a Doctrine of only a hundred Years old; but 'tis modern, with regard to one of a thouſand Years. Now, that *Gerſon*'s Doc-trine concerning the Superiority of Councils, is more ancient than that of Father *Deſirant* and the *Ultramontanes*, is a Thing ſo notoriouſly publick,

publick, that to prove it, would be needleſs; one need only refer the Reader to the Authorities of the Fathers and Doctors, who liv'd before the new Canon Law, and who are quoted by *Launois*, *Richer*, *Vigor*, *Noel Alexander*, *Maimbourg*, *Dupin*, and by other Divines of the *Gallican* Church, who have ſet this Fact in the cleareſt Evidence that can be: And to ſay that they are Heretical Authors would be nothing at all to the Purpoſe, becauſe the Thing in Queſtion here is not a Point of Law but of Fact, *viz.* Whether the Infallibility of the Pope and his Superiority over General Councils, were Things believ'd in the Ages before *Gregory* VII, and the new Canon Law. Now the Negative is demonſtratively prov'd in thoſe Authors. Nevertheleſs, to ſatisfy Father *Deſirant*, it will be neceſſary to collect a few Sketches, to ſhew the Antiquity of *Gerſon*'s Principles, of which I ſhall find ſome in every Century, even down to that in which the Chancellor flouriſh'd, and my Guide ſhall be Father *Noel Alexander*, in the fourth Section of his IVth Diſſertation on the XVth and XVIth Centuries.

XII. THE Grand Controverſy, which aroſe in the ſecond Century, concerning the Day for the Celebration of the Paſſover, or *Eaſter Sunday*, was not determin'd but by the Authority of the General Council of *Nice*, the Churches of *Aſia* refuſing to ſubmit to the Authority of Pope *Victor*, in Defiance of the Excommunication which he had fulminated againſt thoſe Churches (*a*).

(*a*) *Euſeb. Hiſt. Eccl. Cap.* XXIII, XXIV.

THE Diſpute which aroſe in the third Century, for and againſt the Neceſſity of re-baptiſing of Hereticks who were receiv'd into the Pale of the Church, is as much known as the other. *Agrippinus* and St. *Cyprian*, Biſhops of *Carthage*, *Firmilian*, Biſhop of *Cappadocia*; *Denys*, Biſhop of *Alexandria*, and their Churches, did not think the Judgment of Pope *Stephen* infallible, who maintain'd that Hereticks ought not to be re-baptiſed, becauſe thoſe Biſhops and Churches perſiſted in conferring Baptiſm upon them again, till the Matter was decided in a *Full*, as St. *Auſtin* calls it, that is to ſay, in a General Council. St. *Auſtin*, who did not think it was proper to rebaptiſe Hereticks, does not rail againſt the Biſhops and Churches which had taught the reverſe, before the Affair was decided in an Oecumenical Council; but on the contrary, always ſpeaks of them with great Reſpect. But after the General Council of *Carthage*, which decided the Affair in Favour of *Stephen*, he did not ſpare the *Donatiſts*, who refus'd to ſubmit to him; and what is very remarkable, is, that he always oppoſes them with the Council, without ever mentioning one Word to them of Pope *Stephen*.

IT was the ſame in the fourth Century, in the Cauſe of *Ceciliau*, Biſhop of *Carthage*, whoſe Communion the *Donatiſts* had abandon'd, on pretence that he had his Ordination from the Biſhops who had

betray'd the Books of the Bible to the Pagans (*Traditores*) *Cecilian* being abſolv'd in a Council at *Rome*, wherein Pope *Melchiades* preſided, the *Donatiſts* would not abide by that Authority, which St. *Auſtin* does not impute to them as a Crime; nor does he upbraid them with having rebell'd againſt an infallible Judge; but, on the contrary, tells them that if they were not content with the former Judgment, they ought to have recourſe to an Oecumenical Council. *We will admit*, ſays he, *that the Biſhops, who gave Judgment at* Rome, *were not good Judges, there was ſtill remaining the Full Council of the Catholick Church, in which the Cauſe might be diſcuſs'd in preſence of the very ſame Judges, and where, upon their being convicted of having given wrong Judgment, their Sentence would have been revers'd* (*a*). Thus we find St. *Auſtin* deeply engaged in *Gerſon*'s *Sedition*.

(*a*) *Epiſt.* XLIII. *ad Gloriam Eleuſium.*

FATHER *Noel Alexander* did not think it to his Purpoſe to bring into the Account, the Letter from Pope *Siricius* to *Anyſius*, and the other Biſhops of *Illyrium*, wherein that Pope owns himſelf inferior, not only to a General Council, but alſo to a National Council, ſuch as that of *Capua*; and what is yet more, to the Deputies of that Synod, who had referr'd the Cauſe of the Heretick *Bonoſus* to *Anyſius*, and to the other Biſhops of *Macedonia*. *This Argument*, ſays Noel Alexander, *proves nothing at all, becauſe it proves too much.* For my own part, who have not the ſame Arguments to produce as Father *Alexander* had, I ſhall the more willingly make uſe of this Argument, becauſe by his Confeſſion, it was made uſe of by *James Almain*, and other Catholick Authors. Theſe therefore are the Words of *Siricius* to the Biſhops abovemention'd. *In the firſt place, thoſe ought to be the Judges, to whom the Power of Judging has been granted. For as we have already written, you decree in the Place of the whole Synod; and for our parts, tis not convenient for us to give Judgment, as if we had the Authority of a Synod* (*b*). Thus therefore we ſee the National Synod, and even its Deputies, above the Pope, by its own Decrees.

(*b*) *Natal. Alex. ub. ſupr.* p. 379. c. 2.

The ſame thing appears in another Affair, which happen'd in the Time of St. *Auſtin*, and of the Popes *Zozimus*, *Boniface* I. and *Celeſtin* I, in the Beginning of the fifth Century, *viz.* the Affair of *Apiarius*, Prieſt of *Sicca* in *Africa*. This Prieſt having been degraded by his Biſhop, appeal'd to *Rome*, to Pope *Zozimus*, who favourably received the Appeal, reſtor'd the Prieſt, and ſent *Fauſtinus* Biſhop of *Potenza* into *Africa*, with two other Legates to re-examine the Affair. Mean time *Zozimus* dying, *Fauſtinus* in vain attempted the Reſtoration of *Apiarius*; for the Biſhops of *Africa* met in a Synod, and confirm'd the Degradation of that Prieſt, notwithſtanding the Sentence of *Zozimus*. St. *Auſtin*, who was at that Synod, wrote about it in the Name of the Synod, to *Celeſtin* I. in theſe Terms. 'We earneſtly intreat you not to be ſo ready hereafter in giving

'Audience

'Audience to ſuch as come to you from hence, and no longer to 'admit to your Communion thoſe whom we have excommunicated; 'becauſe your Reverence (*Venerabilitatem*) will eaſily perceive that 'it has been ſo determin'd by the *Nicene* Council. For tho' the 'Precaution of this Council ſeems to relate only to the inferior 'Clergy, and the Laity; it ought to be obſerv'd with much more 'Reaſon with Regard to the Biſhops, for fear it ſhou'd happen that 'the Perſons, who have been excommunicated in their Provinces, ſhou'd 'be reſtor'd by your Holineſs, precipitantly, and illegally (*A tua 'Sanctitate, vel feſtinatò, vel præpoſterè, vel indebitè videantur Communi-'oni reſtitui*) May your Holineſs alſo reject the unjuſt Refuges (Appeals) 'of the Prieſts and other Clergy, as becometh you, becauſe this Right 'has not been taken away from the *African* Church by any Deciſion 'of the Fathers, and becauſe the Decrees of the *Nicene* Council have 'expreſsly aſſign'd over, as well the inferior Clergy, as the Biſhops, to 'their Metropolitans. — For, we don't ſee the Conſtitution of any 'Synod, by which there is an Order for any Perſon to come from 'your Holineſs as Legate of *Latere* (*a*).' Thus we find the Pope declar'd inferior to Councils by St. *Auguſtin*, and by a whole Synod.

(*a*) *Nat. Alex. ubi ſupr.* p. 339. c. 1, 2.

THE Oecumenical Council of *Epheſus* aſſembled in 431, againſt *Neſtorius*, is another plain Proof that the Popes did not pretend at that Time to be ſuperior to General Councils, and that their Decrees ought not ſo far to be acquieſc'd in as to make every other Deciſion unneceſſary. 1. This Synod was aſſembled by *Theodoſius Junior*, and even, if we may believe Father *Pagi*, without the Advice of Pope *Celeſtin* I, which at once demoliſhes the Pretenſion of the Popes that the Right of aſſembling General Councils appertains to them alone. 2. *Cyril* of *Alexandria* having given Advice of *Neſtorius*'s Errors to Pope *Celeſtine* I, the latter aſſembled a Council at *Rome*, wherein *Neſtorius* was condemn'd to be depos'd if he did not retract in ten Days after his Accuſation; and the Execution of the Sentence was committed to *Cyril* of *Alexandria*. Mean time, the Emperor ſummon'd a General Council, and order'd alſo that Things ſhou'd remain in the ſame State without any Innovation, till it was aſſembled. Whether or no this Council was ordered by the Emperor at the Inſtigation of *Neſtorius* ſignifies nothing to the Queſtion; but it from thence follows, that the Determination of *Rome* was what they did not adhere to at that Time, and that *Celeſtin*'s Sentence was ſuſpended till the Judgment of the Oecumenical Council. For 'tis to no Purpoſe for Father *Pagi* to pretend, as he hath done (*b*), that the Sentence of the Apoſtolical See was not declar'd till after the Calling of the Council of *Epheſus*; becauſe as ſoon as *Cyril* received it, he aſſembled a Council at *Alexandria*, to notify it, as is prov'd by Dr. *Dupin* (*c*). Another Thing which proves that the

(*b*) *Ubi ſupr.* p. 172.

(*c*) *Biblioth. des Aut. Eccl.* T. III. Part p. 319, 320.

Pope had no Authority over this Council is, that he never presided in it, either by himself or his Legates, it being St. *Cyril* who presided there first, and afterwards the Bishop of *Jerusalem*, and when the Pope's Legates arriv'd at *Ephesus*, they never presided there. 'Tis true, that it appear'd by the Sign Manual that *Cyril supply'd the Pope's Place*; but this Signature is suspected. *M. Dupin* shall explain the Matter (*a*). 'The Question relating to the Presidentship is liable 'to more Difficulty. 'Tis evident that St. *Cyril* presided at this 'Council; but whether it was in Quality of Legate from the Holy 'See, or in his own Name, is the Question. 'Tis certain that the 'Pope had delegated him to put the Decree in Execution which 'he had pass'd against *Nestorius*; but it does no where appear that 'he delegated him to assist, or to preside, in his Name, at the 'Council of *Ephesus*; on the contrary, he sent Legates thither on 'Purpose, with Orders indeed to do nothing but in concert with St. '*Cyril*; but he does not say that St. *Cyril* shall be present with them 'at the Council in his Name, nor that he prolongs the Power 'which he had granted him for that Purpose. And indeed in 'the Relation given by the Council to the Emperor, the Time which 'precedes the Council is distinguish'd from that which follows it, 'and 'tis said that *Celestin* had delegated St. *Cyril* before the Coun-'cil, and that afterwards he sent the Bishops *Arcadius* and *Projectus*, 'and the Deacon *Philip*, expressly to supply his Place in the Council. 'Nevertheless St. *Cyril*, in the Subscriptions to the first, second and third 'Acts, assumes the Quality of *Celestin*'s Proxy. *Liberatus* and *Eva-'grius* also gave him the same Title. Some say, that it was added 'to his Sign Manual by the Transcriber, or that it shou'd be un-'derstood of the Time that preceded the Council. I shou'd ra-'ther think that St. *Cyril* having had this Title before the Coun-'cil, was still call'd by it in the Council itself, tho' it did not then 'belong to him; but it does not from thence follow, that he pre-'sided in the Name of the Pope, and in Quality of his Deputy. 'For if he had presided in that Quality, 'tis certain that in his Ab-'sence the other Legates of the Pope must have presided in his 'Place, and have held the first Rank. But 'tis manifest that it was 'not the Legates, but *Juvenal* of *Jerusalem*, who presided in the 'fourth and fifth Acts, in which St. *Cyril* appears as a Petitioner. 'Therefore it was not in Quality of Legate from the Pope that St. '*Cyril* presided, because in his Absence *Juvenal* is put before the 'Pope's Legates; he presided because he was the chief of the *Pa-'triarchs* who were personally at the Council.' Be this as it will, *'tis evident*, says Father *Noel Alexander*, *that an Oecumenical Council is the Supreme and Ultimate Tribunal of the Church, to which Causes of Faith and Religion, even after the Judgment and Sentence of the Pope*

(*a*) *vb. supr.* p. 320. Col. 1, 2.

*Pope of* Rome *are referr'd, and heard and examin'd over again as much as if they had never been decided by the Pope, and where they are determin'd in such a manner as to leave no more room for a Rehearing* (*a*). However it was touch'd over again in another Council of *Epheſus*, which was call'd the Robbing Council. Whether there were more Robberies committed at this Council than at the former, is not the Caſe before us. That which concerns the Point in Queſtion, is, that *Theodoſius* was alſo the Perſon who aſſembled it, and tho' *Leo* I. had confirm'd the Decrees of the former Council, yet he conſented to the ſecond, and ſent his Legates thither to aſſiſt at it, and not to preſide in it. For the Perſon who preſided there, was *Dioſcorus* of *Alexandria*; which appears from *Leo*'s Letter to this Synod. "But, 'ſays he, as a Remedy, for ſuch things ought not to be neglected, and 'as the moſt Chriſtian Emperor has been pleas'd according to his Piety 'and his Religion, that an Epiſcopal Council ſhould be aſſembled, 'to the end, that every kind of Error might be aboliſh'd by a more 'plenary Judgment (*pleniory Judicio*, that is to ſay, by a *more numerous* 'Council) I have ſent our Brethren,—to aſſiſt in our Place (*interſint*) 'at the ſacred Aſſembly of your Fraternity, and to execute in com-'mon Accord with you the Orders of our Lord (*quæ Domino ſint* 'placita) *viz.* the Emperor, that is to ſay, to the end that after hav-'ing firſt of all condemn'd the venomous Error, they may alſo treat 'of the Reſtoration of him who hath err'd imprudently (*viz. Neſto-'rius*) on condition that he retracts (*b*). That's not the Language of a Man who thinks himſelf infallible, and who pretends that 'tis not lawful to appeal from his Sentences. He had not only no Right to aſſemble a Council in *Italy*, but he cou'd never prevail with *Theodoſius* to aſſemble one there, for aboliſhing the Memory of the laſt Council of *Epheſus*, which was confirm'd by *Theodoſius* (*c*).

(*a*) *Ub. ſupr.* p. 380.

(*b*) *Nat Alex. ubi ſupr.*

(*c*) *Pagi ubi ſupr.* p. 194.

PROCEED we now to another Council aſſembled in the ſame Century, by the Emperor *Marcian*, not in *Italy*, as the Pope indeed would have had it, but at *Chalcedon*. I wou'd not poſitively aſſert that *Leo*'s Legates did not preſide there, but I find ſome Objections againſt it. 1. The Emperor and the Empreſs *Pulcheria* were there, and it was natural that they ſhou'd be at leaſt the Moderators or Directors of it, as *Conſtantine* was at the *Nicene* Council. 2. Father *Pagi* himſelf agrees that every Act of it was referr'd to the Emperor, *ad quem totam actionem referendam Patres conſuerunt* (*d*). And indeed when the Synod pronounced Judgment againſt the ſix Biſhops who were look'd upon as the Authors of the Robbery at *Epheſus*, it was only on condition that the Emperor *ſhou'd think fit, ea conditione ſi placuerit decreto ſuo & piiſſimo Domino noſtro*, which Father *Pagi* explains of *Marcian*. 'Tis true, that the *Advocate Christ* pretends that the left Hand, where were the Pope's Legates, was the

(*d*) *Ib. p.* 370.

(*a*) *Hiſt. Eccl.* Book XII. p. 336.

*moſt hononourable Place in the Councils* (*a*). But if it were ſo, I ſhould think that the Patriarchs of the Eaſt wou'd have been willing to pay the Compliments of their Country, the rather becauſe the Emperor in his Letter of Summons only gives the Pope the Title of *moſt Holy Archbiſhop of moſt happy Rome* (*b*). 3. 'Tis really unaccountable how the Face of Things ſhou'd be chang'd in ſo ſhort a Space of Time. At the *Nicene* Council, in 325, the Perſons who preſided were *Euſtathius* Biſhop of *Antioch*, or *Hoſius* Biſhop of *Cordoua*, and not the Pope's Legates, tho' they were preſent at it. In 431, *Cyril* of *Alexandria* preſided at the Council of *Epheſus*, being deputed to that Office by the Emperor, tho' *Celeſtin* had his Legates there. The Legates were alſo at the ſecond Council of *Epheſus*, in 448, but it was *Dioſcorus* Biſhop of *Alexandria* who preſided there; and nevertheleſs, three or four Years after, we find the Pope's Legates preſiding at the Council of *Chalcedon*. This however is very poſſible. The Affairs of *Neſtorianiſm* and *Eutychianiſm* had ſo embroil'd the Eaſt, that the Patriarchs being all, as we may ſay, Parties, they might have been oblig'd to have Recourſe to the Biſhop of *Rome*'s Legates, for the Preſidentſhip; and 'tis well known that thoſe Biſhops ſeldom fail'd to verify the Proverb, *Inter duos litigantes tertius gaudet*, *i. e.* when two Dogs fall out, a third runs away with the Bone. Be it as it will, we have no need of this Diſcuſſion to prove that the Council of *Chalcedon* thought itſelf ſuperior to the Pope, and even in the Preſence of his Legates, who, as they ſay, preſided there. Pope *Leo* had writ a Letter to *Flavian*, Patriarch of *Conſtantinople*, which was a ſort of Creed upon the Matters in Debate. This Letter was formally examin'd at the Council, and confronted with the Creeds of *Nice* and *Conſtantinople*, and *Cyril's* Synodical Letters, and afterwards applauded by the whole Aſſembly. Is not this Examination of a Pope's Letter by a Council a good Proof of the latter's Superiority? St. *Leo* himſelf owns it, and bleſſes himſelf for it. *I praiſe the Lord*, ſays he, in his Letter to *Theodoret* after the Synod, *that he has not ſuffer'd us to receive any Affront from our Brethren, nor that what was at firſt determin'd by our Miniſtry ſhou'd be depriv'd of the Conſent of the whole Fraternity, to the end that it may appear that what had been eſtabliſh'd by the firſt of all Sees truly proceeded from him* (*the Lord*) *as having been confirm'd by the Judgment of all Mankind.* Here now we find a Pope, who indeed pretends that the See of *Rome* is the firſt of all Sees; but at the ſame time owns it to be inferior to a general Council. *M. Dupin* has very juſtly obſerv'd, that about the latter End of this ſame Century, in the Condemnation of *Acacius*, Patriarch of *Conſtantinople*, the Popes *Felix* III. and *Gelaſius* I. were not willing to have the Matter left to their own Judgment; but to the Authority of the Gene-

(*b*) *Choiſi ubi ſupr.*

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all Council of *Chalcedon* of whoſe Sentences, they ſaid, they were only the Executioners (*a*).

(*a*) *Antiq. Ec. Eccleſiaſt. Diſſert.* VI. p. 358, 359.

THE Caſe was the very ſame in the ſixth Century. Father *Noel Alexander* did not think fit to take any Advantage of what paſs'd under Pope *Vigilius* in the Affair of the three Chapters; but *M. Dupin* thought this Piece of Hiſtory too material to be paſs'd over. 'Tis true that *Vigilius*, to whom Father *Pagi* does not give the Title of *Holy*, was a Man of an odd Character, and above all Things ſo knaviſh and inconſtant, that his Authority is not to be depended upon. But however, there are ſome material Remarks to be made as to the Fact in Queſtion. The firſt is upon the Letter which the *Italian* Clergy wrote to the Envoys of *France*, at *Conſtantinople*, wherein they declare, that Pope *Vigilius* could not reſolve with himſelf to condemn the three Chapters condemn'd in the Synod of the Emperor *Juſtinian*, without calling a General Council. *Cœpit Papa Vigilius ad hoc compelli, ut abſolutè ipſa Capitula ſine Synodi Chalcedonenſis mentione damnaret; ſed Papa non acquieſcens hoc facere, & videns ſe nimium ingravari, dixit tunc Sereniſſimo Principi, Veniant hic fratres noſtri ex omnibus Provinciis quini aut ſeni, & quicquid ſub tranquillitate tractatu habito omnibus viſum fuerit, cum pace diſponemus; quia ſine conſenſu omnium illa quæ & Synodum Chalcedonenſem in dubium venire fecerunt, & ſcandalum fratribus meis generant, ſolus facere nullatenus acquieſcam. Et poſtea ſi quis Græcorum Epiſcoporum uſque ad Univerſale Concilii tractatum de iſtis capitulis aliquid feciſſet, aut facientibus acquieviſſet, à Communione Sedis Apoſtolicæ alienus exiſteret*, i. e. Pope *Vigilius* began to be compell'd abſolutely to condemn thoſe Chapters without mention of the Synod of *Chalcedon*; but the Pope not acquieſcing in it, and ſeeing that he ſhou'd be too much oppreſs'd, then ſaid to the moſt Serene Prince: Let five or ſix of our Brethren come hither, out of all the Provinces, and whatſoever they ſhall calmly treat of and conclude, we will peaceably incline to; becauſe I alone can by no means conſent to do thoſe things which have brought the Synod of *Chalcedon* into Queſtion, and have ſcandaliſ'd my Brethren, without the Conſent of all. And afterwards, if any one of the *Greek* Biſhops, even to the Celebration of a General Council, had done any thing relating to thoſe Chapters, or acquieſc'd in thoſe that had, he wou'd remain excluded from the Communion of the Holy See (*a*). Thus you have a Pope, who, tho' very haughty in other Reſpects, is loth to undertake any Thing without a General Council.

(*a*) *Dupin ubi ſupr.* p. 339.

THE ſecond Remark is, that when this Council was aſſembled at *Conſtantinople*, the Pope did not preſide there, nor was he ſo much as preſent at it; *it was Eutychius, Patriarch of* Conſtantinople, *who had the chief Station there* (*b*).

(*b*) *Dup. Bib. des Aut. Eccl.* T. I. p. 11.

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THE third is, that tho' the Pope was not ſatisfy'd with the Deciſions of this Council, yet he was oblig'd to conform to them. 'Tis true, that this Acquieſcence was a Force upon him, but he renew'd it when he was at Liberty, as *M. Baluze* has proved by a MS. Act taken out of the *Colbert* Library, and quoted by *M. Dupin* (c). It was about the End of the ſame Century that *Gregory* I. explain'd himſelf ſo vigorouſly in Favour of General Councils, in his Letter to *John the Faſter*, Patriarch of *Conſtantinople*. This Paſſage is ſo well known, that I ſhou'd not have ventur'd to repeat it, if I did not think Father *Deſirant* had forgot it. 'As with the Heart 'Man believeth unto Righteouſneſs, ſays *Gregory*; and with the 'Mouth Confeſſion is made unto Salvation; I acknowledge that I re-'ceive and reverence the four Councils (General) as I do the four Books 'of the Goſpel, viz. the Council of *Nice*, &c. that I embrace them 'with perfect Devotion, and that I give my inviolable Aſſent to 'them, they being as it were the Corner Stone (*velut quadrato lapide*) on 'which is raiſ'd the Building of the Holy Faith; and the Rule 'of every Man's Life and Actions; whoever does not adhere to 'this ſolid Foundation, is a Stone that does not belong to the Edi-'fice, tho' it may ſeem to be one of the Foundations of it (1)." Having afterwards ſaid, that the Authority of the four Councils, and even of the fifth, extends to Perſons as well as Things, he adds, 'That 'theſe Things being reſolv'd on by Univerſal Conſent, whoever 'preſumes to looſe thoſe whom the Councils have bound, or to 'bind thoſe whom they have looſ'd, deſtroys himſelf, and not them' the Councils) Nothing can be a plainer Proof of the Superiority of General Councils.

(c) *Vid. ſupr.* p. 205.

THUS are we arriv'd to the VIIth Century to which Time we find not only particular Doctors, but even Popes, owning themſelves inferior to Councils. We will proceed. The VIIth Century will be as contradictory to Father *Deſirant*'s Pretenſion. It was about the End of that Century, that the ſixth Oecumenical Council was held at *Conſtantinople* againſt the *Monothelites*. Pope *Martin* I. had already condemned them in his Council at the *Lateran* in 649, and they were afterwards condemn'd by Pope *Agatho* in 679. Nevertheleſs we find the Deciſions of theſe two Popes, and theſe two particular Councils, ſubmitted in 620. to the Examination of a General Council, and that it paſs'd through all the Forms in the IVth and Xth Acts of this Council, as appears by the Emperor *Conſtantine Pogonat*'s Letter to Pope *Leo* II. quoted by Father *Noel Alexander* (a). It was in the

(a) *Ub. ſupr.* p. 382.

(1) Quiſquis eorum (*Conciliorum*) ſoliditatem non tenet, etiamſi lapis eſſe cernitur, tamen extra ædificium jacet. N. B. Quiſquis i. e. *Every Pope and every Patriarch.* Nat. Alex. ub. ſupr *p.* 381, 382.

ſame

ſame Century that Pope *Leo* III. declar'd very plainly, that *he not only did not prefer himſelf to General Councils, but that he did not ſo much as preſume to be equal to them* (1). We find this in his Anſwer to the Prelates of *France*, when they demanded of him, whether the General Councils of *Nice*, *Conſtantinople*, and the following, wou'd not have done well to add to the Creed, the Word *Filioque*, i. e. *and in the Son.*

I do not obſerve that Father *Noel Alexander* finds any Thing for his Advantage in the eighth Century. It ſeems indeed, that this Age began to degenerate, which is a Remark I am inclin'd to make in Favour of Father *Deſirant.* If we may believe the Jeſuit *Serarius*, it was *Boniface* who was made a Biſhop of *Germany* by *Gregory* III, and afterwards the firſt Archbiſhop of *Mentz*, who advanc'd thoſe Propoſitions, the contrary of which, according to Father *Deſirant*, is Sedition, *viz. That the Pope is the Judge of all Men, and that he can be judg'd by no Man. That all Men have ſo much Reſpect for the Head of the Apoſtolical See, that they chuſe to receive the Canons of Diſcipline, and the Doctrines of the Chriſtian Religion, from his Predeceſſor, than from the Holy Scriptures, and the Tradition of the Fathers, and that to conform to the Pope, a Man ought only to inform himſelf what is his Will, and what is not* (*a*).

(*a*) *De reb. Mogunt.* T. I. p. 349. *Edit. Francof.* 172.

THE ſame Maxims are aſcrib'd to this *Boniface*, in the Canon Law, and in the Expoſition (*b*). If this be true, *Boniface* might have been deceiv'd by the pretended Councils of *Sinueſſa* and of *Rome*, under *Sylveſtre*, which all the learned Men in the Church of *Rome* know to be falſe, as Father *Noel Alexander* agrees. *Eaque*, ſays he, *eſt omnium eruditorum ſententia* (*c*). Nevertheleſs, the eighth Century muſt not be altogether given up, becauſe when *Boniface* conſulted Pope *Zachary* to know whether a Native of his Country had obtain'd Leave from his Predeceſſor to marry his Uncle's Widow, who had been alſo the Wife of his Couſin-German, and had taken up the Veil, the Pope made Anſwer, that his Predeceſſor was far from granting ſuch a Diſpenſation, becauſe the Holy See grants none that are contrary to the Rules of the Canons, and of the Holy Fathers (*d*). But what is yet more, it plainly appears from the Calling of the ſecond Council of *Nice*, that it was not the Opinion at that Time, that the Popes were above the General Councils. 1. It was not aſſembled by Pope *Adrian* I, but by the Empreſs *Irene*, who order'd, or rather intreated the Pope to be preſent indeed as the *Chief Prieſt and Preſident of St.* Peter's *Chair*; but this is what *Gerſon* never diſputed. 2. 'Tis very uncertain whether the Pope's Legates preſided there, whatever is ſaid by *Anaſtaſius* the Librarian, who was one of the Pope's Creatures, and

(*b*) *Decret.* I. p. *Diſt.* XL.

(*c*) *Ubi ſupr.* p. 388. c. I.

(*d*) *Dupin Bib. Eccl.* T. VI. p. 91. c. I.

(1) Nam & ego me illis non dico preferam, ſed etiam illud abſit mihi ut coæquare præſumam, *Ub. ſupr. p.* 383. *Cap. I.*

by Acts whose Genuineness is shrewdly suspected. I rather chuse to pin my Faith upon the *Libellus Synodicus*, and upon *Photius*, who declare that it was *Tarasius* first, and then the Pope's Legates who presided at this Council (*a*). 3. Finally, tho' they declar'd at *Rome* for Image-worship, there was a Necessity for an Oecumenical Council, to determine the Affair. 'Tis true, that it was not own'd for such in *France*, *Germany*, *England* and other Places; but they who assembled it, and *Adrian* himself, esteem'd it as such; which is sufficient in the present Case. This Truth is also evidenc'd more clearly by the Council which *Charlemain* assembled at *Franckfort*, in 794. where the Judgments of the Councils of *Nice* and *Rome* were made void before the Pope's Legates.

(*a*) *Biblioth. Jur. Canon.* T. II. p. 1210, 1214. *Preservat. cont. la Reunion avec le siege de Rome*, T. III. p. 364, 366.

THE ninth Century abounds with more Instances than one to prove that the Sentences of the Popes were not irrevocable in that Age. *Lewis* the *Debonnaire*, at the Sollicitation of *Michael* the *Stammerer*, sent Ambassadors to Pope *Eugenius* II, to engage him to suppress the Worship of Images, or at least in some Measure to qualify it. But this Pope refusing his Consent to it, *Lewis* assembled a National Council at *Paris*, to settle that Affair, according to the Desire of the Emperor of the East. 'Tis true, that he desir'd Leave for it from the Pope, but it was more to humour him, than from any Need he had of his Authority. Be this as it will, the Letter of Pope *Adrian* was condemn'd in this Council, in the Matter of Image-worship, which was therein rejected, tho' with great Decorum paid to the Pope, to the end that he might not thwart the Peace of the Catholick Church, which *Lewis* had at Heart. But when *Gerson* declar'd against the Pope's Infallibility, and maintain'd the Superiority of Councils, he did not mean to rebel against the legal and reasonable Authority of the Pope and the See of *Rome*. The Disputes which *Hincmar* Archbishop of *Rheims* had in that very Century with Pope *John* VIII, relating to the Privilege which that Pope had granted to *Angesige*, Archbishop of *Sens*, to be his Vicar in *Gaul* and *Germany*, is another good Proof that the Pope's Authority was not so absolute at that Time, as Father *Desirant* pretends it had been at all Times. *Hincmar*, who thought this Privilege prejudicial to the Rights of his Church, publickly oppos'd it, and a National Council was assembled upon it at *Pontigon*, in the Diocese of *Chartres*, wherein the Pope lost his Cause, tho' his Legates were present. The following is the Judgment that *M. Dupin* forms of *Hincmar* which makes very much to my Purpose. 'The 'World is very much oblig'd to him for the Vigor with which he 'maintain'd the Liberty of the Churches of *France*, against the in- 'tended Violations of their Rights, by the Popes, without forfeiting 'the Respect and Submission which he ow'd to the Holy See. He 'had a Way to oppose the unjust Pretensions of the Court of *Rome*, 'without

'without incurring the Charge of Schism, or of Contempt of the 'Holy See (*a*).' This also is *Gerson's Sedition*. Father *Noel Alexander* has not made these Observations upon the ninth Century, but he has one which relates more directly to General Councils. The Emperor *Basilius* caused one to be assembled at *Constantinople* in 869, which is look'd upon as the eighth Oecumenical Council. The twenty-first Canon of this Council imports, that *when a General Council is assembled, if any Debate ariseth* (quævis ambiguitas & controversia) *which relates to the Bishop of the Church of* Rome, *a Conference should be had with him upon the Affair, and his Answers should be heard for the Advantage of the one or the other; but that Judgment ought not to be pass'd rashly upon the Popes of* Rome (*b*). Thus we find them made subject to a General Council, saving nevertheless the Respect which is due to them.

(*a*) *Ubi supra* p. 62.

(*b*) I follow *M. Dupin's* Translation, *ubi supra* p. 95 c. L.

FATHER *Alexander* has pass'd over the tenth Century, without making any Observation upon it, whereas there are considerable ones to be made upon the Popes of that Time: Tho' a Respect was still kept up for their Authority, notwithstanding the horrid Irregularities with which they are reproach'd by the Historians that are most devoted to the See of *Rome*, nevertheless Opposition was frequently made to their Enterprizes against the Liberty of the Churches, and the Disposition of the Canons. This is what *M. Dupin* has observ'd, with regard to the Bishops of *Germany*, who oppos'd the Creation of the Bishopricks which the Pope intended to make in *Moravia*, contrary to their Right (*c*). He observes the same Thing of the Bishops of *France*, who were assembled by Order of *Hugh Capet* in Council at *Rheims*, wherein *Arnold*, Archbishop of *Rheims*, was deprived, and *Gerbert* put in his Place, without the Participation of the Bishop of *Rome*, according to the Advice given by *Arnold*, Bishop of *Orleans*, who inveigh'd strenuously against the See of *Rome*, and against the Popes of that Time. 'Tis true, that *John* XV, who was Pope at that Time, very much resented it, and even interdicted the Bishops who were present at the Council of *Rheims*. Mean time, *Gerbert* kept his Ground, and hearten'd the Archbishop of *Sens* against the Pope's Excommunication, by a Letter he wrote to him, and of which I will give an Extract, as 'tis related by *Dupin*. 'That the Judgment of 'the Pope was not above that of God; that if he fell into an Error, 'he might be reprov'd: That he could not separate Bishops from the 'Communion of Jesus Christ, because they would not consent to a Thing, 'which they thought contrary to the Gospel: That they had no Au'thority to suspend him (the Archbishop) from the Communion, neither as a Criminal, for he was not such, nor as a Rebel, for 'he had not refus'd to go to any Council: That this Sentence 'being unjust, ought not to be consider'd as proceeding from the 'Holy See, according to the Maxim of St. *Leo*. That the Rules

(*c*) *Ubi supra*, P[illegible] c. 1, 2.

'for Behaviour in the Catholick Church, are the Goſpels, the Apo-
'ſtles, the Prophets, the Canons eſtabliſh'd by the Spirit of God,
'and conſecrated by the Reſpect which all the World pays them, and
'the Decrees of the Apoſtolical See, which are thereto conformable.
'That ſuch as by Contempt deviate from thoſe Rules, ought by thoſe
'ſame Rules to be try'd and condemn'd; but that whoever obſerves
'and follows them, ought to enjoy everlaſting Peace, without being
'ever excluded from Communion. In the Concluſion, he declares to
'*Siguin*, that he ought not to ſuſpend his Functions, by reaſon
'of the Prohibitions of *Rome*; and that he ought to deſpiſe a Judg-
'ment ſo irregular, for fear, leſt while he endeavour to prove his Inno-
'cence, he declares his own Guilt (*a*).' Yet it muſt be own'd that when *Gerbert* was choſe Pope, in 899, by the Name of *Sylveſtre* II, he talk'd in quite another Stile from what he did when he was Archbiſhop of *Rheims*; like *Æneas Sylvius*, when he was choſe Pope by the Name of *Pius* II.

(*a*) *Dupin*, T. VIII. p. 43. c. 1.

THESE, therefore, were the pretended Innovations of *Gerſon*, which were already of ten Centuries ſtanding. If the *ancient Doctrine* of Father *Deſirant* began but at the End of the XIth, or the Beginning of the XIIth Century, *Gerſon*'s Doctrine may boaſt of being 800 Years older. Let us ſee, therefore, what paſs'd in the XIth Century: Verily, 'tis in the *Hildebrandin* Century, that the Epocha of the Uſurpations of the Popes and the Court of *Rome* is uſually plac'd. But really their Pretenſion to Infallibility, to Superiority, and to the Irreverſibility of their Decrees, was ſo far from being then eſtabliſh'd, that it met with great Oppoſition, witneſs the Council of *Worms*, in 1076, when *Gregory* VII. was depos'd, and when the Reaſon aſſign'd for it, were his dangerous Innovations, his cruel Pride, and his Obſtinacy in keeping up the Schiſm: So that *Gregory* VII's Pretenſion paſs'd at that Time for Sedition. 'Tis true, that he excommunicated, and that he ſeveral times depos'd this Synod, and the Emperor *Henry* IV. himſelf, who had aſſembled it. But this is the Origin of the *Sedition* of the Popes, and of thoſe prodigious Innovations which put all *Europe* in Confuſion, as appears from the Declaration of the Synod, which was held at *Breſſe* in *Lombardy*, againſt that Pope, in 1080, and by the Letters which the Emperor wrote to it (*b*). It would be to no Purpoſe for *Deſirant* to ſay that the Councils of *Worms*, *Breſſe* and *Mentz* were no better than *Conventicles*, for that's begging the Queſtion; and the ſame Thing may be ſaid with as much Foundation of the Councils of *Rome*, *Quedlimbourg*, *&c.* It may be confeſs'd, however, that the Doctrine of the Superiority of Popes over Councils, and over the Temporality of Kings, which had till then paſs'd for a great Hereſy, began to grow problematical, by the Factions of *Gregory*, and the Enemies of *Henry* IV, tho' it was a long while firſt; but, not to mention

(*b*) *Dupin*, *ubi ſup.* p. 45, *&c.*

mention the other Churches of *Europe*, here is a Circumſtance which proves that even in that Age the *Gallican* Church favour'd *Gerſon*'s Sedition. In the Beginning of it, Pope *John* XVIII. having deputed a Cardinal to conſecrate a certain Monaſtery in the Dioceſe of *Tours*, the Archbiſhop and the other Prelates of the *Gallican* Church ſtiffly oppos'd it as a Violation of the Canons, *and a ſacrilegious Preſumption, which only proceeded from blind Avarice. They all abhorr'd it to a Man, becauſe they thought it indecent, that He, who govern'd the Apoſtolical See, ſhould violate an Apoſtolical Canon, fortify'd by the Authorities of ancient Councils, which have always decreed that no Biſhop ought to attempt any Thing in another's Dioceſe, without his Leave* (*a*). This is what Father *Noel Alexander* has reported, upon the Authority of *Glaber Rodolph*, a Monk of *Cluny*, whom *Baronius* himſelf commends for a faithful Hiſtorian (*b*). In 1025, there happen'd an Affair of much the ſame Nature, wherein Pope *John* XIX. had the worſt on't. The Biſhop of *Macon* complain'd that the Archbiſhop of *Vienne* had, contrary to the Canons, ordain'd the Monks in the Monaſtery of *Cluny*, which lay in the former's Dioceſe, and he thereupon aſſembled a Synod at *Auſe*, a ſmall Town near *Lyons*, where were the Archbiſhops of *Vienne* and *Tarenta*, and other Biſhops. The Archbiſhop urged, or caus'd to be urged, in his Defence, a Privilege of Exemption granted to this Monaſtery, by the See of *Rome*. 'But 'the Synod having read over the Canons of the Council of *Chalcedon*, 'and of ſeveral other authentick Councils, by which 'tis enjoin'd, 'that in what Country ſoever it be, the Abbats and Monks ſhall be 'ſubject to their own Biſhop, and that no Biſhop ſhall attempt to ordain or conſecrate in another's Pariſh, without his Permiſſion, declar'd that the Pope's Privilege was null and void, as being contrary 'to the Canons, *decreverunt chartam non eſſe ratam quæ Canonicis non 'ſolum non concordaret, ſed etiam contrairet.*' The Archbiſhop ſubmitted, begg'd the Biſhop's Pardon, and to make him amends, engag'd to furniſh him every Year, as long as they liv'd, with a ſufficient Quantity of *Olive* Oil, to make the Chriſm (*c*). By this 'tis plain, that in that Century it was lawful to appeal from a Privilege of a Pope; and that even to a particular Council, and to declare it null.

(*a*) *Ubi ſupra*, p. 383.

(*b*) *Ann.* 996, 25.

(*c*) *Nat. Alex. ubi ſupra.*

THE XIIth Century is one of thoſe in which the Papal Authority triumph'd moſt. At that Time the Catholick Church was ſwallow'd up by the Church of *Rome*, in like Manner almoſt as the World was by the Pagan *Rome*. If the new Canon Law was executed by Violence in the preceding Century, in this it receiv'd its Conſiſtency and Form, and acquir'd the Force of Law. There are two Remarks, however, to be made upon this Collection of the Canon Law, which was made in this Century, by the Monk *Gratian*. The firſt is, that this Decree, how advantageous ſoever it be

to

to the Popes, gives nevertheleſs a great Shock to their Infallibility, and their ſupreme Authority; becauſe in the fortieth Diſtinction 'tis ſaid, that the Pope cannot be judg'd in any Caſe, unleſs he depart from the Faith, *Quia cunctos ipſe judicaturus à nemine eſt judicandus, niſi deprehendatur a fide devius* (*a*). From whence I infer two Conſequences that make to my Purpoſe: The one, that at that Time the Pope was not reckon'd infallible, becauſe there was a Poſſibility of his erring in the Faith. And indeed the Privilege by which *Paſchal* II. was oblig'd to grant the Inveſtitures to *Henry* IV, who kept him Priſoner, was without Scruple deem'd as a Hereſy. When he revok'd that Grant, in his Council held at the *Lateran*, in 1116, and curs'd it with an *Eternal Anathema*, there was a Biſhop who had the Courage to ſay, that the ſaid Privilege was a Hereſy, and that by conſequence he that granted it was a Heretick. The Pope was very much diſturb'd at it, but he only ſpoke of the Infallibility of the See of *Rome*, and not of the Infallibility of the Pope. The other Conſequence I draw from it, is, that becauſe the Pope was not reckon'd infallible, he was ſuppos'd to be ſubject to a General Council, which in this Caſe would have been his Judge. The ſecond Obſervation which I have to make upon the new Canon Law, is, that it was not receiv'd without Oppoſition, and that in many Places, eſpecially in *France*, it was very ill recommended. Let us hear *Stephen*, Biſhop of *Tournay*, who talk'd ſo much like *Gerſon*, above two hundred Years before him, that methinks I hear *Gerſon* himſelf. 'Tis in a Letter to *Innocent* III, wherein he complains of the Neglect of the Study of the Fathers, for thoſe of School Divinity, and the Decretals. 'Students, *ſays he, according to* M. Dupin's *Verſion*, having only a 'Taſte for Novelty, and the Maſters affecting rather their own Praiſe, 'than the Inſtruction of others, compoſe new Summaries and new Syſtems of Divinity every Day, which amuſe and deceive the Auditors, 'as if the Writings of the Fathers were not ſufficient (*b*)'. If therefore Father *Deſirant* is willing to know what *Gerſon* meant by the ancient and modern Authors, he need only compare him with *Stephen* of *Tournay*. The Letter adds afterwards, 'That if we proceed from 'Theology to the Deciſion of Affairs which muſt be determin'd by 'the Canon Law, in which you depute Judges, or of which the Ordinaries ought to take Cogniſance; they bring us into a Forreſt as it 'were of Decretal Letters, made in the Name of *Alexander* of happy Memory, from which 'tis impoſſible to get clear; and no Account is made of the old Canons, which on the contrary are dejected and deſpiſed. It happens in this Confuſion, that the ſalutary 'Decrees of the ancient Councils are not follow'd in the new ones, 'and that Affairs are not judg'd of according to the Tenor thereof, becauſe the Decretal Epiſtles prevail, to which perhaps, the 'Names

(*a*) *Decret. Diſt.* XL. *Si Papa.*——

(*b*) *Dupin*, T. IX. p. 178. *c.* 1.

'Names of the *Roman* Pontiffs are forg'd by the new Canon Law-'yers. Of theſe they have made a Volume, which is read in the 'Schools, and publickly ſold, to the great Benefit of the Scriveners, 'who find it the eaſieſt, and moſt profitable Task to copy theſe ſu-'ſpicious Pieces (*a*).' Here by the way, we have an Author much more ſeditious than *Gerſon*; for writing to a Pope, he preſumes to condemn a Work authoris'd by *Eugene* III. *In the 155th Letter*, ſays *M. Dupin*, Stephen *of* Tournay *attacks another Abuſe*, viz. *Appeals made to the Holy See by Inferiors to avoid the Correction of Superiors, and he would have the Abbats and Prelates veſted with an abſolute Power to correct their Inferiors, and to change the Officers that depend upon them, without being hinder'd by Appeals to the Holy See* (*b*). (*a*) *Ubi ſupra.* (*b*) *Ubi ſupra.*

'Tis very plain that the Excommunications of the Popes were not much dreaded in this Century, by the Anſwer which *Philip Auguſtus* return'd to the Legate of Pope *Celeſtin* III, who threaten'd that Monarch to put his Dominions under an Interdict, if he did not make Peace with the King of *England*. *I deſpiſe your Interdict*, ſays *Philip Auguſtus*, *I fear it not, nor will I obſerve it, becauſe 'tis unjuſt. It does not belong to* Rome *to act by Sentence, or in any other Manner againſt my Kingdom*, &c. (*c*). This Pope, tho' very enterprizing, thought himſelf ſuperior, even to a National Council; for he aſſembled one at *Paris*, to judge of the Affair of the Divorce of *Angelburga* of *Denmark*, Queen of *France*, whom *Philip Auguſtus* had a mind to divorce, and whom he actually did divorce, by Advice of the Council, and contrary to the Opinion of the Pope's Legates. His Succeſſor, *Innocent* III, tho' more haughty than him, did not think himſelf ſuperior to a General Council; for when *Philip Auguſtus* apply'd to him, to authoriſe his Divorce, the Pope made Anſwer, that he could not decide the Caſe without a General Council. His Words are remarkable. *In carnali, inquit, commercio inter Te ac Reginam conjugem tuam adhuc eſt proceſſum, quod ſi etiam illi tantum conſilium vellemus impendere, quam nostri eadem Regina ſeniſſe proponitur eorum fratrello Abbate de Trojis, & dilecto filio Magiſtro* Roberto de Curzon, *nec Tituli S. Stephani in Celio Monte Presbytero Cardinali, non ad Dominum ſuper hujuſmodi re nostro ſenſu prote aliquid differre, propter illam ſententiam Evangelicam quam ipſe Veritas expreſſit*, &c. Quod Deus conjunxit, homo non ſeparet; *cum absque dubio nec Sanctorum exemplis, nec Patrum Decretis intentioni tuæ in hoc actuali poſſit obviari. Verum ſi forte hoc, absque Generalis deliberatione Concilii determinare aliquid tentaremus, præter divinum Oraculum & mandatum Dominicum, quem in hoc præſumus invenire, ſi non Ordinis & Officii nobis præcipuum munus erit, cum omni promptam Voluntatis ſatisfactione, vestræ nos præſto Majeſtati exhibere* (*d*). (*c*) Father *Daniel*'s Hiſt. of *France*, T. II. p. 596.

(*d*) [illegible] T. VIII. [illegible] IV. p. [illegible] 2. [illegible] N.

on that Confeſſion, which the ſaid Queen is reported to have lately made before the abovementionʼd Abbat *de Trap*, and our well beloved Son *Robert de Curzon*, now Cardinal Prieſt, by the Title of St. *Stephen*, in *Cœlio Monte*, we could not preſume to give our Definitive Judgment for you in a Caſe of this Nature, by reaſon of that Evangelical Sentence which Jeſus Chriſt himſelf has pronounced, *viz. Whom God has joyn'd together, let no Man put aſunder*; ſince, without doubt, neither the Examples of the Saints, nor the Decrees of the Fathers, would warrant thy Intention in this Article. And if we ſhould attempt to determine any thing in this Matter, without the Deliberation of a General Council, beſides the Wrath of God, and the Reproach of the World, which we might incur for ſo doing, we might perhaps run the Hazard of loſing our Dignity and Office, ſince our Authority cannot grant a Diſpenſation, contrary to the before mentionʼd Sentence of Truth.—This paſsʼd at the Beginning of the XIIIth Century, when the Incroachments of the Popes were even deemʼd as Uſurpations, not only among the *Greeks*, but alſo among the *Latins*. As to the *Greeks*, I ſhall here quote a beautiful Paſſage from *Nilus*, Archbiſhop of *Theſſalonica*, about the middle of the XIIIth Century, in theſe Words: ‘ What the *Latins* object to us, ‘ *viz.* That we challenge the Primacy to ourſelves, and that we re- ‘ fuſe to hold the ſecond Rank, and to ſit next to the Biſhop of ‘ *Rome*; and that we therefore refuſe Peace to the Churches, is not ‘ the Cauſe of the Schiſm. For we never diſputed the Primacy of ‘ the Church of *Rome*, and the Queſtion at preſent is not which ſhall ‘ have the firſt Seat, becauſe we know the ancient Cuſtom and the De- ‘ crees of the Fathers, which declare the Church of *Rome* to be the ‘ moſt ancient of all Churches. And ʼtis not fair to object to us ‘ what we do not ſay, and under this Pretence to hinder the true ‘ Cauſe of the Schiſm from being tracʼd: What is therefore the real ‘ Cauſe of this Divorce? ʼTis this, that the Matter in Queſtion be- ‘ twixt us has not been determinʼd in an Oecumenical Council, and ‘ by common Conſent; and that the Controverſy, viz. (*Whether the ‘ Holy Ghoſt proceedeth from the Father and the Son*) has not been de- ‘ cided according to the ancient Uſage and Cuſtom of the Fathers, ‘ while the *Romans* affect a Superiority over us, as a Maſter does ‘ over his Scholars who are oblig'd to believe the Sayings of their ‘ Præceptor. Now the Decrees of the Fathers declare quite other- ‘ wiſe, for which we appeal to the written Acts, whereby we are ‘ taught that in the common Cauſe of Faith, Recourſe muſt be had ‘ to the common Conſent of the Church. For it would be very ab- ‘ ſurd that our Fathers ſhould hit upon the right Way themſelves, ‘ without Examples to guide them, and that we ſhould miſs of it, ‘ when we have them for our Patrons and Light. Indeed ſhould a

'Debate ariſe in the Church, Perſons who are not duly inform'd of the 'Method of Acting, might perhaps be excus'd for their Ignorance, in 'putting an End to the Difference after another Manner; but for 'us, after a Courſe of ſo many Years, not to have yet obſerv'd the 'true Method of reſtoring Peace to the Church, according to the 'Cuſtom of our Fathers, who does not ſee that it is refuſing ſuch 'Peace? But they ſay that the Pope is ſuperior over the Prieſts, 'the Prince, Paſtor and Fathers, whoſe Province it is to aſſemble 'General Councils, and who may of himſelf only, without the 'Privity of others, order Church Affairs. What then? Were not '*Julius*, *Damaſus*, *Celeſtin*, *Leo*, *Agathon* Popes, whom the Fathers 'have highly extoll'd for their eminent Piety? and yet they never aſ-'ſum'd ſuch Authority; but on the contrary, aſſembled with their 'Brethren, under the Guidance of the Holy Spirit, made Eccleſi-'aſtical Canons and eſtabliſh'd Peace among the Churches. And if 'they never decreed any thing but in that Manner, and now it be 'refus'd to do the ſame; who will doubt but this is the ſole Cauſe 'of our Diviſions? Therefore the Cauſe of the Schiſm ought not to 'be charg'd upon us. And to ſay that 'tis the Pope's Prerogative 'to aſſemble the Council, and to order what he pleaſes therein, is the 'ſame Thing as to ſay the Pope being in the Aſſembly abſolutely 'determines and reſolves the Affairs of the Church. And if the Papal 'See alone is ſufficient to do ſuch Things, Councils are ſuperfluous. 'But it is not, nor ever can be ſo, while the Holy Spirit ſpeaks by 'the Mouths of thoſe Sacred Perſonages. For we ſee that the Popes '*Agathon*, *Celeſtin* and *Leo*, did indeed aſſemble particular Councils, but 'it was in order to lay the Matters concerted in a particular Coun-'cil before a General Council; and they requir'd that the Faith 'ſhould be eſtabliſh'd by common Conſent. Otherwiſe, if the whole 'Church was oblig'd to follow the Opinion of a particular Synod of 'the Pope, without Contradiction, it would be in vain to talk of aſ-'ſembling an Oecumenical Council. And becauſe ſeveral, nay, infi-'nite Numbers of People contradict this Opinion, which is for ta-'king away and aboliſhing General Councils, how is it poſſible to re-'ject the only Medicine that can heal the Church, and remedy ſo 'many Schiſms? (*a*).

(*a*) *Vig. Dif. Eccl. Lib.* III. p. 124, 125.

THUS have we ſeen Thirteen ſucceſſive Centuries guilty of *Gerſon*'s *Sedition*. The XIIIth concluded, and the XIVth began with the Noiſe about the Appeal which was made to the General Council by *Philip the Fair*, from the Judgment of *Boniface* VIII, and which we find that Monarch never retracted. Pope *Clement* V. did not think himſelf ſuperior to a General Council, becauſe he referr'd to it the Affair of the Condemnation of *Boniface* VIII, which was ſtrenuouſly ſolicited by *Philip the Fair*. But this was not the only Monarch, who

in that Century appeal'd from the Pope to a General Council. The Emperor, *Lewis* of *Bavaria*, appeal'd in 1224, to an Oecumenical Council, from the Sentence of *John* XXII, who had excommunicated him. In this very Century alſo, *Philip de Valois* aſſembled a Synod at *Vincennes*, wherein this Pope's Doctrine concerning the *Beatifick Viſion*, was condemn'd; upon which the King ſent him Word that if he did not change his Opinion, he would have him *burnt*. A very evident Proof this, that Popes were not thought infallible at that Time; and *John* XXII. did not think himſelf ſuch, becauſe *he retracted a few Moments before his Death a*). Thus we find *Gerſon*'s Sedition authoris'd in that Century by one Emperor, and by two Kings of *France*. Return we now to Father *Deſirant*'s Reflections upon the Council of *Conſtance*.

(*a*) *Dupin*, T. XI. p. 32. c. 1.

HE ſays in the firſt place, that the Thirteen firſt Seſſions of the Council were held, not *Conciliariter*, that is to ſay, not *Synodically*, but *Nationaliter i. e. Nationally*. This Aſſertion carries a manifeſt Contradiction in it, and muſt be reckon'd pure Nonſenſe, becauſe Seſſion is the ſame as Council, and the Aſſemblies of Nations, both General and Particular, are not call'd Seſſions but Congregations. 'Tis well known that the Council reſolv'd that every Nation ſhou'd aſſemble to conſider upon the Matters propoſed; that afterwards they all aſſembled in a General Congregation, and the Articles which they agreed upon, were carried to the Council, there to be concluded and debated in full Seſſion. That's what they call *conciliariter*, as I have explain'd it in this Volume, Book VI. Art. LXXV. *Martin* V. did not underſtand this Term otherwiſe than I explain it here, when in the XLVth and laſt Seſſion he declared, that *he would univerſally and inviolably obſerve every Thing that had been agreed to in Matters of Faith in the Council it ſelf*, conciliariter, *but not otherwiſe*. *Quod omnia & ſingula determinata & concluſa, & decreta in materiis fidei & per præſens Concilium conciliariter tenere, & inviolabiliter obſervare vellebat, & nunquam contravenire quoquo modo, ipſaque ſic conciliariter facta approbat & ratificat, & non aliter nec alio modo* (*b*). The *not otherwiſe*, that is, *nationaliter*, *nationally*, is oppos'd to *conciliariter*, *ſynodically*. In order to comprehend *Martin* V's Thought, one need only conſider what was the Buſineſs in Hand. The Buſineſs was to get condemn'd, in full Council, *conciliariter*, *Falkemberg*'s ſeditious Libel, which had as yet been only condemn'd by the Commiſſioners in Matters of Faith, by the Nations *nationaliter*, and by the College of Cardinals. *Martin* V. refus'd to do this, and would not oblige himſelf to any thing but what had been reſolv'd upon in Matters of Faith, *conciliariter*, *i. e.* in a full Seſſion of the Council. 'Tis very plain from thence, that according to *Martin* V, *conciliariter*, ſynodically, is oppoſite to *nationaliter*, nationally. Nevertheleſs Father *Deſirant* has thought fit to give another

(*b*) *Vonder Hardt* T. IV. p. 1557, 1558. & *I ab. Conc.* T. XII. p. 258.

other Meaning to this Term *conciliariter*, which is very difficult to unfold. He takes it for granted, that the firſt Obedience of the Council reſolv'd to do nothing *conciliariter*, *i. e.* ſynodically (*a*). Here are two Suppoſitions equally falſe: The firſt is, that the firſt Obedience reſolv'd to do nothing *conciliariter*; for I have demonſtrated in my Explanation of that Term, that this Obedience reſolv'd, that what had been agreed upon in the Aſſembly of the Nations, ſhould be paſs'd in full Seſſion, *conciliariter*. The ſecond is, that the firſt Obdience was not the Council it ſelf. Now that this firſt Obedience form'd a General Council, is evident from the following Reaſons. 1. This Obedience was convok'd as a General Council, by the Emperor and the Pope, which is a Quality eſſential to an Oecumenical Council. 2. *John* XXIII, who preſided in it as long as he ſtay'd there, having ſucceeded *Alexander* V, he was eſteem'd a legal Pope by all Mankind, except by the Schiſmatical Obediences. 3. Theſe Obediences could not be admitted to the Council, till they recogniz'd him, and united to the Council, as they did. Till then they were Parties, and they were about to be judg'd. 4. When they were united to the Council they approv'd all that had been done in their Abſence. 5. Pope *Martin* V. himſelf, after his Election, approv'd all the Decrees of the Council, without excepting thoſe of the firſt Obedience. 'Tis true, that in this Approbation, he only ſpeaks of *Matters of Faith*, but he does not except thoſe of Diſcipline; and 'tis alſo highly probable that he includes them in ſuch his Approbation. Indeed, who is ſo blind as not to ſee that 'tis a Queſtion of *Faith*, to know whether the Council is ſuperior or inferior to the Pope; and whether 'tis lawful, or not, to appeal from the Pope's Sentence. Certainly the *Ultramontane* Divines make the Pope's Superiority to be one of the moſt eſſential Articles of Faith, and repute the contrary Maxim to be a groſs Hereſy. Tis indeed, a Matter of very great Importance, with regard to Faith, to know whether that Expreſſion of Jeſus Chriſt to St. *Peter*, *I have pray'd for thee, that thy Faith fail not*, relates either to St. *Peter* alone, or to thoſe who pretend to be his Succeſſors, or to the Catholick Church in the Perſon of St. *Peter*, as St. *Auſtin* underſtood it. But more than all this, it is manifeſt, that *Martin* V. conſider'd theſe Queſtions as appertaining to Faith, becauſe in his Bull for the Inquiſition among the *Huſſites*, he would have this Queſtion put to them, among others, *viz. Whether the Criminal is not fully perſuaded that all General Councils, and in particular that of* Conſtance, *repreſent the Univerſal Church; and that what this laſt Council has approv'd, and does approve for the Intereſt of the Faith, and for the Salvation of Souls, ought to be approv'd by all the Faithful; and that what the Council hath condemn'd, as contrary to Faith and good Manners, ought in like Manner to be deem'd as juſtly condemn'd* (*b*).

(*a*) *Differt* III C. XXI. p. 75.

(*b*) Hiſt of the Council of *Conſtance*, Vol. II. Book VI. Art. 51.

This relates manifeſtly to *Wickliff*, *John Hus*, *Jerome* of *Prague*, and to the *Huſſites*, condemn'd before the Union of all the Obediences, and before the Election of the Pope; and by conſequence, Father *Deſirant*'s Exception is but a wretched Evaſion, which even bears a Character of Hereſy, according to the Meaning of *Martin* V. It alſo appears from thence, that Father *Deſirant* is quite miſtaken, where he pretended that the Decrees of the Vth Seſſion of the Council of *Conſtance* were not propos'd as Articles of Faith, but as Articles of Diſcipline, and as proviſional Conſtitutions; becauſe *Martin* V. requires that the *Huſſites* be interrogated upon this Queſtion, as an Article of Faith, *Whether all General Councils, and in particular that of* Conſtance, *do not repreſent the Catholick Church.* Which includes their Infallibility and Superiority; tho' *Martin* V. does not expreſs it, becauſe he began to play faſt and looſe. Beſides thoſe Words, the *Salvation of Souls and good Manners*, diſtinguiſh'd *from the Intereſt of the Faith*, plainly inſinuate what the Council of *Conſtance* had reſolv'd upon in the Vth Seſſion, touching Diſcipline, the Extirpation of the Schiſm, and the Reformation of the Church in its Head and Members.

FATHER *Deſirant* builds upon the Aſſertion that thoſe Decrees were read in Manner of *Synodical Conſtitutions* (*a*): But I never heard ſay, that Synodical Conſtitutions might not treat of Articles of Faith, as well as Matters of Diſcipline. If the Term *Conſtitution* is limited to that Senſe, it will from thence follow, that the Conſtitution *Unigenitus* of *Clement* XI. does not run upon Articles of Faith, but upon Affairs of Diſcipline. But where is the Neceſſity of expatiating further upon this Subject? Probably the Fathers of the Council of *Baſil* underſtood the Meaning of the Decrees of the Council of *Conſtance*, as well as Father *Deſirant*. Now they call the Decrees of the Fifth Seſſion, *Truths of Faith*; and the contrary Opinion, a Hereſy. *Veritas eſt Catholicæ Fidei ſacrum generale Concilium ſupra Papam, & alium quemvis poteſtatem habere. Generale Concilium legitimè congregatum ſine ipſius conſenſu, nec diſſolvere, nec transferre, nec prorogare ad tempus, ex autoritate ſua poteſt Romanus Pontifex, idque veritatis ejuſdem eſt. Qui pertinaciter his veritatibus ſe opponit, hæreticus eſt cenſendus* (*b*) *i. e.* 'Tis a Truth of the Catholick Faith, that the ſacred General Council has Authority over the Pope, or any other Power. The Pope of *Rome* can by his Authority, neither diſſolve, nor adjourn, nor prorogue a General Council legally aſſembled without their Conſent, and this alſo is as true as the other. He that ſtubbornly oppoſeth theſe Truths, muſt be deem'd a Heretick. The Cardinals who were at the Council of *Baſil*, had the ſame Opinion of theſe Decrees, when *Eugene* IV. was for diſſolving the Council, which is a Circumſtance I learn from *M. Arnaud.* 'The Council of *Baſil*, ſays this Doctor, did it again in another Synodical Letter of the 15th of

(*a*) *Diſſert.* III. p. 103.

(*b*) *Æn. Sylv. L. I. de Concil. Baſil* p. m. 11.

‘ of *June*, 1433, when there were ſeven of the chief Cardinals in the ‘ Council, who are all nam'd in the thirteenth Synodical Letter of the ‘ ſame Council, dated the 5th of *June*, 1439, wherein 'tis remark'd ‘ that all thoſe Cardinals, as well as all the Fathers of the Council, ‘ by the ſaid Letter of 1433, in anſwer to the Pope who was for diſ- ‘ ſolving the Council, and pretended a Power to do it, ſaid, *We will* ‘ *loſe our Lives rather than cowardly conſent to ſo great an Error. This* ‘ *Article about which we now diſpute, concerns* THE FAITH, *and our* ‘ *Salvation is at Stake, if we neglect it. If the Lord* Eugene *will not hear* ‘ *the Church, he muſt be reputed as a Heathen and a Publican.* No body ought to know better what is of Faith, or what is not, than a Child of the Family of St. *Dominic*, the firſt Inquiſitor of the Faith. I mean Father *Alexander Noel*, who has aſſerted and prov'd in Oppoſition to *Schelſtrate*, that the Decrees of the Vth Seſſion appertain'd to the Faith (*a*).

(*a*) *Ubi ſupra*, P. 416, 428.

WHAT I have now ſaid, may ſuffice to demonſtrate that the Obedience of *John* XXIII. form'd a General Council. This is what the Clergy of *France*, aſſembled in 1682, clearly eſtabliſh'd againſt the Pretenſions of the Court of *Rome*. Since that Time, Father *Noel Alexander*, *Lewis Maimbourg*, *Elias Dupin*, *Anthony Arnaud* and ſeveral others have prov'd the Matter ſo fully againſt *Schelſtrate*, that Father *Deſirant* ought to be aſham'd for harping ſo long upon an Objection ſo unreaſonable, and ſo ſolidly confuted. Mean time ſince we are oblig'd to return to the Charge, it will not be amiſs to hear what is ſaid upon it, by ſome of thoſe Doctors who muſt be more unexceptionable to Father *Deſirant*, than I can be, becauſe excluſive of other Conſiderations, they dy'd in the *Faith of the Church of Rome*, and actually defended the ſame with Vigor againſt *Us Hereticks*. As Father *Lewis Maimbourg* is the firſt in Date, we muſt hear him firſt. ‘ The Third Argument which he (*Schelſtrate*) makes uſe of ‘ to weaken the Authority of the Decrees of theſe two Seſſions ‘ is, that the Council being at that Time only compos'd of *John* ‘ XXIII's ſingle Obedience, could not repreſent the Catholick ‘ Church. Now to convince him of the Invalidity of this Argument, ‘ which is undoubtedly the vileſt of all, I need only tell him in two ‘ Words, that what he preſuppoſes, according to *Bellarmine*, who has ‘ furniſh'd him with all theſe weak Objections, is very falſe. For al- ‘ moſt all the Cardinals of the two Obediences, of *Gregory* XII, ‘ and *Benedict* XIII, united to the Council of *Piſa*, in which thoſe ‘ two pretended Popes who made a Jeſt of all Chriſtendom by their ‘ Collusion were declar'd Schiſmaticks and Anti-popes, and *Alexan-* ‘ *der* V. was elected and own'd to be the true Pope by the greateſt ‘ Part of the Churches, without any Compariſon, and eſpecially by ‘ the Church of *Rome*. Now thoſe ſame Cardinals, and thoſe Bi-

‘ ſhops

'ſhops who compos'd this moſt numerous Council, continued it at '*Conſtance*, as Pope *John* XXIII, who was own'd by the ſaid Coun-'cil for a true Pope, declares in expreſs Terms in the Bull where-'by he calls this Council, according to the Order that was made at '*Piſa* five Years before. Conſequently the Obedience of *John* XXIII. 'had not only almoſt all of the Kingdoms of Chriſtendom, and even 'the Church of *Rome* on its Side, but was alſo compos'd of the greateſt 'and ſoundeſt Part of the two other Obediences, which united to *Piſa* 'and continued this Council at *Conſtance*. If *M. Schelſtrate* pretends that 'the Abſence of thoſe who ſtill held out for either of the two that 'had been declar'd Schiſmaticks and Anti-popes, hinders the Council 'from being Oecumenical, he muſt know by this unjuſt Pretenſion, he 'would ſpoil moſt Councils that are held; for the Hereticks therein 'condemn'd might ſay that thoſe of their Party, who had a Right 'to be preſent at it, either were not there, or would not own thoſe 'Councils for lawful and oecumenical. And this is what the Prote-'ſtants would have a Handle to ſay, eſpecially of the Council of '*Trent*, in which there were no Biſhops of the Church of *England*, 'nor any of *Denmark*, *Norway*, *Sweden*, nor any of that Part of '*Germany* which adheres to the *Augsburg* Confeſſion, nor any of '*Greece*, of the *Eaſt*, and of *Egypt*, who do not own the Pope to be 'Head of the Church, and are no more of his Obedience, than were 'thoſe at the Time of the Council of *Conſtance* who held out for '*Peter de Luna*, or *Angelo Corario*. All theſe Biſhops, *I ſay*, of ſo 'great a Part of the Chriſtian World, were abſent from the Council 'of *Trent*, when it made its Decrees, and would not acknowledge it. 'Is there any thing more certain? And yet *M. Schelſtrate* is oblig'd 'to confeſs with all the Catholicks, that their Abſence did not hin-'der that Council from being Oecumenical; becauſe, in order to ren-'der a Council Univerſal, 'tis enough that all be invited to it, as 'they were, and that they may be at Liberty to be preſent, if they 'will, or if the Princes, on whom they depend, give Leave. 'Conſequently the Abſence of the Prelates, who were all the Re-'mains of thoſe two wretched Obediences of *Peter de Luna* and *An-'gelo Corario*, does not hinder the Decrees of *Conſtance* from being 'Definitions of an Univerſal Council, and from having an infallible 'Authority (*a*).'

(*a*) *Traité Hiſt. de l'Egl. Rom.* p. 218, 220.

IN the ſecond place, we will give a ſhort Abſtract of what Father *Noel Alexander* ſays, 1. He proves by two Inſtances that the Abſence of the Biſhops of any Provinces or Kingdoms did not hinder the Council of *Conſtance* from being a General Council, when the IVth and Vth Seſſions were held. The firſt Inſtance he gives, is the Council of *Epheſus*, which the whole Church deem'd to be an Oecumenical Council, notwithſtanding the Abſence of the Patriarch of *Antioch*,

and of all the Bishops of that Patriarchate, and notwithstanding the Opposition of a great many other Bishops. His second Instance, is the Council of *Trent*, which passeth with the Church of *Rome*, at least among the *Ultramontanes*, for a General Council, tho' the Bishops of *Germany*, and of several other Provinces, were absent during the Celebration of the First Sessions. I could make other Reflections upon the Council of *Trent*; but they are not to my Purpose, and this Instance may very well be produced against Father *Desirant*, as *Argumentum ad hominem*, as *Mosheim* has made use of it against *Spondrate*.

2. FATHER *Noel Alexander* justly maintains, that when the Obediences of *Gregory* XII. and *Benedict* XIII. united in the Council, they did not except against the Decrees of the IVth and Vth Sessions: And as this Father very well observes in the XXth Session, when the Concordates of *Narbonne* were publish'd, it was likewise agreed, that *Every Thing relating to the Extirpation of the Schism and Heresies, to the Union of the Church, to its Reformation in the Head and Members, to the Election of a Pope, and to the other Causes, the Cognizance whereof* APPEERTAINS BY RIGHT TO AN OECUMENICAL COUNCIL, *should be left to the Disposal of the Council* (*a*).

IN like manner, the Council orders in the XLth Session, after the Obediences were united, that the *future Pope shall reform the Church in its Head, in concert with the said Council, or with the Deputies of the Nations, who shall be appointed for that Purpose*; and among the Articles, upon which the Reformation was to turn, the XIIIth was this, *Upon the Cases, for which a Pope may be corrected and depos'd* (*b*). Which is a very manifest Confirmation of the Decrees of the Vth Session that establish'd the Superiority of the Council over the Pope (*c*).

3. IF the Council of *Constance* could not have a sufficient Authority without the Union of all the Obediences, all that the Council did to the XXXVth Session, when the said Union was compleated, must necessarily be invalidated. Mean time Father *Desirant* would have only what was transacted to the XIIIth Session inclusively, deem'd as null and void (*d*). But I don't see for what Reason. Is it that the Union of the *Spaniards* was not as essential to the Universality of a Council, as the small Obedience of *Gregory* XII? This is undeniable. Therefore not only the Condemnation of *Wickliff*'s XLV Articles in the VIIIth Session, the deposing of *John* XXIII. in the XIIth Session, the Decree to receive the Communion in one Kind only in the XIIIth Session, must be declar'd null; but also the Condemnation of *John Hus*, in the XVth Session, and of *Jerome* of *Prague*, in the XXIst, which would be liable to terrible Consequences, with regard to the Church of *Rome*. These are the Consequences, as they are represented by *Thomas de Corfellis*, a Canon of *Paris*, whom *Felix* V. sent to the Assembly of *Bourges*, in 1440. I will here give this Author's Words,

(*a*) History of the Council of *Constance*, Vol. I. Book IV. Sect LV. Art. II.

(*b*) History of the Council of *Constance* Vol. II. Book V. Art. 85.

(*c*) History of the Council of *Constance*, Vol I. Book II. Art. 26.

(*d*) *Dissert.* I. P. I.

Words, as they are quoted by Father *Noel Alexander*. ‘ As to what ‘ ſome affect to ſay, that the Declaration, which ſays that the *Council* ‘ *hath immediately receiv'd its Power from Jeſus Chriſt*, was not made ‘ by the Church, becauſe all the Obediences were not then at *Con-* ‘ *ſtance*, no other Obedience being there but that of *John* XXIII; ‘ this is manifeſtly confuted by the Bull of *Martin* V, and of the ‘ whole Council. This Bull requires that the Queſtion be put to a ‘ Perſon ſuſpected of *Huſſitiſm*, whether he believes that the Council's ‘ Sentence againſt *John Hus* and *John Wickliff* was juſt and lawful. ‘ Mean time, 'tis clear that this Sentence was paſs'd before the three ‘ Obediences were at the Council. 'Tis the ſame thing with the De- ‘ cree concerning the Communion in one Kind only, for there was no ‘ Obedience preſent but that of *John* XXIII. Conſequently, it appears ‘ by the Tenor of this Bull, that *Martin* V. own'd the Council of ‘ *Conſtance* to be a true Council, and the Repreſentative of the Ca- ‘ tholick Church, not only when the three Obediences were preſent, ‘ but alſo all the Time before their Union. For tho' all the Obedi- ‘ ences were not at the Council, they had been call'd to it, and when ‘ they came they approv'd of what was done before-hand. So that ‘ the Pretence of thoſe who impugn the Authority of General Coun- ‘ cils, has been deſtroy'd by the Authority of the Apoſtolical See, by ‘ that of the Catholick Church, by the Pope, and by the Cardinals ‘ who were at the Council of *Conſtance*.'

THIS might be ſufficient to eſtabliſh the Univerſality of the Council of *Conſtance*, when only the Obedience of *John* XXIII. was preſent, and notwithſtanding the Abſence of the Schiſmaticks. However let us give one Moment's Attention to *M. Arnauld*. After having, as well as others, inſtanc'd the Council of *Trent*, he adds, that St. *Auſtin* would have been in the Wrong to call a Council of *Africa* by the Name of a *General*, or *Full Council*, *becauſe the Donatiſt Biſhops*, *who were not leſs numerous than the Catholicks*, *were not preſent at it* (*a*). Then he puts nine Queſtions to *M. de Schelſtrate*, among which there are ſome which will be very well put to Father *Deſirant*.

(*a*) *Ubi ſupra* p. 331.

1. 'TIS demanded therefore (of Father *Deſirant*) if when the ‘ Church is divided by a very fatal Schiſm, while there are two ‘ doubtful Popes, who as all the World ſees, aim at nothing but to ‘ preſerve each his Dignity (1), without endeavouring the Perfor- ‘ mance of what their Electors thought neceſſary for putting an end ‘ to the Schiſm, and what they were oblig'd to do by Oath, made ‘ both before and after the Election; let him anſwer, I ſay, if in ſuch ‘ a Caſe the Church has not a Right to aſſemble, and if when aſ-

(1) Father *Deſirant* will not own this, with regard to *Gregory* XII, of whom he makes a Hero; but this is not the Thing in queſtion.

'ſembled, it cannot oblige thoſe dubious Popes to fulfill their Oath; 'and in caſe they refuſe it, to depoſe them, and afterwards to create 'a Pope who is certain and undoubted (*a*).' He will be forc'd to own it, becauſe however he does not deny but the Decrees of the Council of *Conſtance* might take place in Times of Schiſm, which is the Boundary he fixes to them. This was alſo the Opinion of *Bellarmine*, as has been ſhewn by *M. Arnaud* (*b*).

(*a*) *Ubi ſupra*, P. 331.

(*b*) *Ubi ſupra*, P. 332, 333.

2. THE ſecond Demand is, whether at the Time of the Council of *Conſtance* the Church was not rent by the moſt violent and obſtinate Schiſm that was ever known in the Weſt. This Father *Deſirant* cannot deny: For tho' he does not own it, with regard to *Gregory* XII, becauſe he makes an Apology for him (*c*); he muſt however confeſs it with regard to *Peter de Luna*, whoſe Obedience was much more conſiderable. We will ſuppoſe, even as he pretends, that *Gregory* was wrongfully depos'd, and that he had the ſincereſt Intention that could be to reſign; ſuch Reſignation was not perform'd, and the Church was oblig'd to hold an Aſſembly, in order to make up the Affair between the three Competitors.

(*c*) *Ubi ſupra*, Cap. I. & II.

3. THESE two Articles being confeſs'd, *M. Arnaud* demands of *M. de Schelſtrate*, and I demand of Father *Deſirant*, 'Whether he 'could believe in his Conſcience, that the Abſence of ſome Prelates, 'that continued attach'd to *Gregory* XII. who was canonically de-'pos'd by the Council of *Piſa*, and the Want of the Conſent of the 'pretended Obedience, which was in a manner wholly confin'd to the 'Town of *Rimini*, hinder'd the Council of *Conſtance* from being 'Oecumenical? What he reports from the Acts of the Council could 'not give the leaſt Colour of Probability for a Thought ſo unrea-'ſonable. For the moſt that it amounts to, is, to make us take No-'tice of it as a mighty Matter, that this counterfeit Pope would 'not reſign the Pontificate, with which he all along believ'd himſelf 'veſted, till he had diſallow'd the Calling of the Council by *Baltha-'ſar de Coſſa*, and empower'd his Legates to call a new one in his own 'Name, to which the Council condeſcended. What does he pretend 'to infer from hence? That this ſpurious Pope was of that Opinion? 'Tis granted, tho' we muſt tell him it was fooliſh and ridiculous. 'But from whence comes it then, ſays he, that the Council did not 'condemn it, but, on the contrary, conſented that one of his Envoys 'ſhould, in his Maſter's Name, renew that Call? The Council did 'not leave what they thought of it to Conjecture; but expreſsly ſig-'nify'd it by the Act for uniting of *Gregory* XII's Obedience 'with that which had recognis'd *John* XXIII for Pope (for he was 'at that Time depos'd) wherein they declar'd that they admitted *of 'the ſaid Call*, Sanction, *Approbation, and Confirmation, in the Name of 'Him, who in his Obedience is call'd* Gregory XII, *becauſe an unneceſ-*

*ſary Precaution taken for greater Certainty, when Good is the End of it, hurts no body, but is profitable to all.* ‘ How, moreover, could ‘ he be ſo blind as not to ſee that the Council was very far ‘ from thinking that this Union of *Gregory*'s Obedience was what ‘ they wanted to make them a General Council, ſince in the very Act ‘ of the Union, which could not take Effect but by *Gregory*'s Reſignation, ‘ which did not happen till afterwards, they take this Title? *The Holy and Sacred General Council of* Conſtance, *lawfully aſſembled in the Holy Spirit, and repreſenting the Catholick Church, conſents that theſe two Obediences be united under Jeſus Chriſt the Head, &c.* 'Tis therefore ‘ in quality of a General Council, that they conſented to what *Corario* ‘ demanded for making the Union; and by conſequence it was not this ‘ Union only which conſtituted it a General Council, as if it had not ‘ been ſuch before. *M. de Schelſtrate* muſt needs agree in it, becauſe the ‘ Obedience of *Peter de Luna*, which was much more conſiderable, not ‘ being yet united to the Council, the uniting of it with the Obedi- ‘ence of *Corario*, would have ſignify'd nothing towards giving it the ‘ Quality of a General Council, if the Union with thoſe two ſchiſmatical ‘ Parties had been neceſſary for that Purpoſe (*a*).' The ſame Reflection may be made upon the Complaiſance which the Council of *Conſtance* ſhew'd alſo to the Obedience of *Peter de Luna*, by not aſſuming the Title of *General Council*, in the Letters they wrote to the Princes and Prelates of that Obedience. ‘ It does not follow from thence, ‘ *ſays* M. Arnaud, that the Council did not think it ſelf a General one ‘ before the ſaid Union; the contrary is very manifeſt from the Pieces ‘ of the Proceſs, which will be given at large in the MS. of *Rome*, ‘ which was the Appendix to the Council of *Conſtance*, in the XIIth ‘ Tome of the Councils (by *Labbe* and *Ceſſart*). For 'tis there ſaid ‘ (ſpeaking of the Conference at *Perpignan*) that *Peter de Luna* made ‘ no Account of all that was ſaid to him by the King of the *Romans*, ‘ by the King of *Arragon*, nor by the Ambaſſadors of the GENERAL ‘ COUNCIL OF CONSTANCE, which repreſents the whole Chriſtian ‘ Church, and in which it was united, and is ſo ſtill; the *Spaniards*, ‘ and ſome other ſmall Parts of it, hereafter mention'd excepted (*b*).' 'Tis clear therefore, that it was Prudence, and well digeſted Policy on the Part of the Council, to grant Leave to the two Schiſmatical Obediences to call the Council again, becauſe otherwiſe it was impoſſible to hope for the Union of the Church; and 'tis as plain that this was by no means a Deſpondency, or a Retractation, or a Renunciation of the Right of being a Catholick Council, as is pretended by Father *Deſirant*, who ſays, ‘ that *John* XXIII's Obedience ſuccumb'd un- ‘der thoſe of *Gregory* XII, and *Peter de Luna*.' *Obedientia quæ fuerat Johannis XXIII. non tantùm ſuccubuit coram* Gregorio XII, *ſed etiam poſtea* coram *illis qui fuerant de* Obedientia Petri de Luna (*c*). But who

(*a*) *Ubi ſupra*, p. 340, 341, 342.

(*b*) Council, T. XII. p. 1173

(*c*) *Differt.* III. p. 170

who does not ſee that to relax from a Right for a time for the ſake of Peace, and by a Convention between the Parties, is by no means a ſuccumbing. 'Tis on the contrary not only prudential, but kind and magnanimous, to make this Sacrifice for the Publick Safety, and for ſo great a Good as the Peace and Union of the Church. The Council of *Conſtance* was not ignorant that it was a General Council from the firſt Inſtant of its being call'd; but it was inclin'd to act as if it was not a General Council, at a particular Juncture, for the publick Satisfaction, and for the reclaiming of the Schiſmaticks. This is what *M. Arnaud* plainly demonſtrates, according to Father *Alexander*, by the Example of the Biſhops of *Africa*. 'The Deſire, 'ſays M. Arnaud, which the Council of *Conſtance* had to reſtore Peace 'entirely to the Church, and to leave no Pretext for continuing ſo 'long a Schiſm, made them accept theſe Conditions. They were en-'abled and oblig'd to do it, by the Dictates of that diſintereſted Cha-'rity, which becomes all Things to all Men to gain all; and of which 'the Biſhops of *Africa* gave a marvellous Example, by offering to the '*Donatiſt* Biſhops, if they would unite to the Church, either that 'both the one and the other, the Catholick and the *Donatiſt*, ſhould 'be Biſhops together in the ſame See; or that if the Laity did not 'like this, both the one and the other ſhould renounce the Biſhop-'rick, that a third might be elected with common Conſent (*a*).' The following is a fine Paſſage out of St. *Auſtin*, and this is the right Place for inſerting it: *Are you willing*, ſays St. *Auſtin* to the *Donatiſts*, *to be Biſhops with us? Be it ſo. Don't the Laity care to have two Biſhops? Be ye our Brethren in the Heritage. Let us not hinder the Peace of Jeſus Chriſt by Ambition and Punctilio's of Honour. Can we expect Celeſtial Peace, if we wrangle here below for Honour? Let us put Error away, and live together in a happy Union. I own my ſelf your Brother, and I take you for my Brethren, excepting Error and Diſſenſion. Let this be corrected, and you are mine. Why will you not be mine? For my part, if you amend, I am willing to be yours. Thus by throwing down Error, which is the Wall of Separation betwixt us, be you my Brethren, as I am your Brother, to the end that we may be both His, who is my Maſter and yours. We ſay this for the ſake of Peace, and not from a Diffidence of the Truth* (*b*). That was precisely the View of the Council of *Conſtance*, in accepting the Conditions of the ſchiſmatical Obediences.

(*a*) *Ubi ſupra* 345, 346.

(*b*) *Ap. Natal. Alexand. ubi ſupra*

PROCEED we now to the other Complaints of Father *Deſirant* againſt the Firſt Obedience. That which troubles him moſt is, that according to him, the Method of voting, not by Voices but by Nations, is *irregular*, *uncanonical*, *artful*, and contrary to the Uſage of Councils, which he calls *non conciliariter*, not ſynodically. Let us hear what he ſays; for this pretended Irregularity is as it were his

War-horſe, and a new Battery which diſtinguiſhes him, as he ſays, from all the other Champions of the See of *Rome*. 'What the Advocates of Truth, *ſays he*, found moſt to their Purpoſe in the Acts 'of the Council of *Conſtance*, ſo many as have been printed to 'the Year 1689 (1), is, that the Decrees of the IVth and Vth Seſſions were the Decrees but of one Obedience, and that by conſequence they muſt not be aſcrib'd to an entire Council conſiſting of 'three Obediences. But now we are enabled to go farther by the 'help of new Diſcoveries, and to prove by the Confeſſion and Declaration of the very Authors or Members (*Profeſſorum*) of the firſt Obedience, that this Obedience did nothing canonical, becauſe it did 'nothing *conciliariter*, ſynodically.——This irregular Artifice, lately 'attempted at *Conſtance*, in Oppoſition to the ſacred Canons, and contrary to the Practice of the ancient Councils, had a very tumultuous 'Original, and began preſently after the firſt Seſſion, in which no'thing was reſolv'd (2). There are ſeveral Remarks to be made upon this. 1. I ſhould be curious to know what are Father *Deſirant*'s new Diſcoveries: For as to what he tells us upon the Authority of Father *Hardouin*'s Acts, concerning ſuch pretended Irregularity of Voting by Nations, it is to be met with every where, particularly in the Appendix to the XIIth Tome of *Labbe*'s Councils (*a*), in the *Coſmodromus* of *Gobelin Perſona* (*b*), in *Von der Hardt*'s Collection (*c*), printed in 1697, 1699, 1700; and in this Hiſtory of the Council of *Conſtance* (*d*). 2. The Author's Overſight, or rather Impoſition, relating to the Word *conciliariter*, has already been expos'd. 3. I ask Father *Deſirant* whether a General Council, ſuch as the Council of *Conſtance* has been demonſtratively prov'd to have been at the very Beginning; whether, I ſay, ſuch a Council was not in the right to chuſe the Method which it thought moſt expedient for gathering the Suffrages, in order to avoid Confuſion and Partiality, eſpecially when the Buſineſs in hand was to ſuppreſs an inveterate Schiſm, and to prevent *John* XXIII. from continuing it by the great Number of his Creatures, if they had voted by Perſons, inſtead of voting, as they did, by Nations. But this is not all; for the Reproach which Father *Deſirant* caſts upon the firſt Obedience, and upon the thirteen firſt Seſſions, ſtrikes at all the others; becauſe the ſame Method was ſtill follow'd when the three Obediences were united; and becauſe, according to Father *Deſirant*'s Confeſſion, *Martin* V. himſelf follow'd it after his Election. Thus by one Daſh of the Pen he annihilates the whole Council of *Conſtance* from the Beginning to the End. 'Tis in vain for him to think to delude us with his chimerical Explanation

(*a*) P. 448, 449.
(*b*) Art. VI. p. 339.
(*c*) T. I. p. 568. II. p. 231. IV. T. I. p. 40.
(*d*) Vol. I. L. I. Art. 74.

(1) He probably means the Acts printed in *Germany*, in 1699.

(2) Three Months after, *viz.* *Feb.* 7, 1415.

of the Term *conciliariter*. Certainly *Martin* V. did not underſtand it in the Senſe that he does: Otherwiſe this Pope would have been guilty of the groſſeſt Nonſenſe that ever Man was, by ſaying, *I ratify nothing but what has been reſolv'd on by the Majority of Voices*, becauſe no Reſolution had paſs'd in that manner, during the Council, in the publick Seſſions; for as to the Aſſemblies of the Nations, they voted there by Perſons: Therefore, that would have been the ſame Thing as to ſay, *I will ratify nothing at all, and I diſſolve the Council.* This is the Upſhot of all the Arguments, or rather all the Sophiſtries of Father *Deſirant*, from the XXIIId Chapter to the XLIIId and laſt. He triumphs in the Confeſſion made by *Peter d'Ailli*, the Cardinal of *Cambray*, that ſeveral complain'd of the Method which had been follow'd by the Council of *Conſtance*, in taking the Votes; and he interprets this Acknowledgment into a Recantation. But ſuppoſe it were ſo, what Conſequence can our Author draw from it? The Cardinal of *Cambray* ſays, that many complain of the Method that was taken of voting by Nations, and not by Perſons; *ergo* the Council retracted; or elſe, if you pleaſe, the Cardinal of *Cambray* retracted this Method; *ergo*, the Council retracted. But when all is ſaid and done, *Peter d'Ailli* never retracted from what he had conſtantly maintain'd during the whole Council, concerning the Superiority of General Councils, and the Right they had to correct, and even to depoſe Popes. Tis true, that about the Cloſe of the Year 1416, or Beginning of 1417, his Diſcourſe concerning *Eccleſiaſtical Power* was publickly read, wherein he propoſed the Doubts ſtarted by ſeveral Perſons, about the Order which was kept in the Council. *Occaſione prædictarum concluſionum, hic occurrunt aliqua dubia quæ circa ordinem hujus ſacri Concilii apud nonnullos magnam perplexitatem inducant* (*a*). The firſt Doubt was, (*a*) *Vander Hardt*, T. VI. p. 39, 40.

'Whether in this ſacred Council, the four Nations thus diſtinguiſh'd, 'viz. the *Italian*, *French*, *German*, and *Engliſh*, excluſive of the *College of Cardinals*, form a General Council, becauſe theſe are ſeveral 'particular Councils, very unequal and diſproportionable, and which 'deliberate ſeparately; which Deliberation being made excluſive of 'the ſaid *College*, and not in a General Seſſion, by the Collection of 'Votes, ought not, in the Opinion of ſeveral, to be reckon'd a De'liberation of the General Council made *collegiately*.' Pray mark this laſt Word. 'Tis a Term we meet with in the MSS. of *Vienna*, *Helmſtadt*, and *Gotha*; but inſtead of *collegialiter*, Father *Deſirant* has foiſted in *conciliariter*, *ſynodically*, I know not whether of his own Head, or from the Edition of Father *Hardouin*'s Councils, which he follow'd; but I plainly ſee, that 'twas put in to favour the Explanation he gives of the Word *conciliariter*, which no where ſignifies what he pretends it does. Be this as it will, the Doubt of any People, more or leſs, is not the Sentiment of the Cardinal *de Cambray*,

*bray*, which he had ſufficiently explain'd elſewhere, and from which he does not retract here. The ſecond Doubt will illuſtrate this Prelate's Sentiment. 'This Doubt is, Whether the ſaid Nations, 'which are new particular Colleges, that, in the Opinion of ſeve-'ral, are eſtabliſh'd againſt, or rather beyond the ancient Cuſtom of 'ſacred Councils; whether tho' they have been inſtituted, for very 'good Reaſons, and in legal Circumſtances, thoſe new Colleges have, 'by the Laws of God and Man, an Authority to deprive the Church 'of *Rome* and the ſacred College of Cardinals, which repreſents it, 'that is to ſay, the ancient College founded on ancient Right, on the 'ſacred General Councils, and on the Decrees of the Holy Fathers, 'of their Right of voting in the ſacred Council, and of electing a 'ſovereign Pontiff (*a*).' The Point in diſpute there, is not the publick Seſſions, but the Aſſemblies of the Nations, from which ſome would fain have excluded the Cardinals, when the Debate came on about the Election of a Pope. The Cardinal of *Cambray* was not of this Opinion, becauſe he inſiſted that the Church of *Rome*, or the Cardinals, who, according to him repreſent it, ought to concur with the General Council, to the Reformation and Union of the Church, as well as to the Election of a Pope. This is apparent from his tenth Concluſion. 'The Church of *Rome*, and the whole General 'Council, ought to concur unanimouſly to the General Reformation 'of the Members of the Church, to give Audience to every State 'in that Reformation, and to paſs a definitive Judgment upon 'itſelf——Therefore in this Council no Ear ſhou'd be open to the vain 'Diſcourſes of ſome who talk popularly (*populariter*, to pleaſe the 'Publick). We will call the Cardinals when we pleaſe, but not when 'their Reformation is the Work in Hand (*b*). 'Tis plain that the Thing intended there is only a private Affair, and that this is by no means aim'd at the Decrees of the Vth Seſſion, nor at the Superiority and Univerſality of the Council of *Conſtance*, any more than at the Sentiments of the Cardinal of *Cambray* upon that Subject. There were other Points, indeed, in which the Cardinal of *Cambray* was not of the ſame Opinion with others, without any Prejudice to thoſe important Articles. For example, he was not of Opinion that the Reformation ſhould be made before the Election of a Pope; nor that after the Union of the *Spaniards*, the *Engliſh*, to whom he bore no good Will, ſhould form a ſeparate Nation. But all this makes nothing to the main Queſtion.

(*a*) *Vander Hardt*, T. VI. p. 40.

(*b*) *Ibid* p. 38, 39.

THE Caſe is the ſame with reſpect to the Memorial of the *German* Nation, upon which Father *Deſirant* lays ſo great a Streſs. This honeſt Father was never more miſtaken than in this Affair. The Fact is as follows: This Memorial, which was preſented *May* 14, 1415, in a Congregation of the *German* Nation, was for having a better Order

Order kept than had been till then obſerv'd in the Aſſemblies of that Nation, and for redreſſing certain Abuſes which were crept in among them, for want of mature Deliberation, and more Leiſure in their Debates. This appears from the Acts of *Vienna*, *Leipſick* and *Gotha*. *Eodem die quo ſupra edita, ſeu ſtatuta fuerunt quædam Capitula per Nationem Germanicam, ſcilicet ut omnia in Concilio definienda, decernenda, ordinanda, & alia quæcunque ardua totius Nationis deliberationem exigentia, poſtquam per Deputatos Nationis ſufficienter fuerint aviſata, & cum aliarum Nationum Deputatis tractando concordata in totius Nationis deliberationem proponantur particulariter, & diſtinctè, &c.* (*a*). *i. e.* On the Day abovemention'd, certain Articles were publiſh'd, or made by the *German* Nation, that all Things to be determin'd, decreed, ordain'd, and ſtatuted in the Council, and all other Matters of Difficulty, requiring the Deliberation of the whole Nation, after they had been ſufficiently conſider'd by the Deputies of the Nation, and agreed upon after treating thereof with the Deputies of the other Nations, ſhou'd be particularly and diſtinctly propos'd to the Conſideration of the whole Nation. Another Precaution was, to take the Opinion of every one quietly, to make a good Choice of ſuch as were to have the deliberative Voice, and to exclude the others. The Reaſons of the Precautions contain'd in this Memorial, were ſaid to be theſe. 1. A Conformity with the other Nations, and eſpecially the *French*, who obſerv'd an Order neglected by the *Germans*, *ut aliis Nationibus ipſum ſervantibus conformemur.* 2. To ſtop the Mouths of thoſe who had rail'd at the Conduct of the Council, or who might aſperſe it hereafter, *Cum hodiè non deſint calumniatores ipſius proceſſus Concilii, & plures parvi, & magni veriſimiliter exurgent eo quod maximæ res Eccleſiæ omnium ſtatuum perſonas tangentes reſtant tractandæ non eſt vitandus labor quo ipſorum poſſint excludi calumniæ* (*b*). *i. e.* Whereas there are not wanting thoſe at this very Day, who calumniate the Proceedings of the Council, and whereas many, great and ſmall, will riſe up and clamour that the moſt important Affairs of the Church, which concern Perſons of all Ranks, remain to be ſtill treated of, no Labour muſt be ſpar'd to ſilence their Calumnies. Indeed *John* XXIII. actually complain'd to the Dukes of *Berry* and *Orleans*, that they took the Votes of thoſe who had a deliberative Voice, and ſuch as had not, without Diſtinction (*c*). 3. In order to avoid ſuch Differences as might happen among the Nations from too much Precipitation, and for want of Order and Maturity. 4. To the end that the Council, when duly inform'd by the Deputies of the Nations, might more eaſily and ſafely in the Seſſions pronounce the *Placet*. One need only read the Acts (*d*) and the Hiſtory of the Council of *Conſtance* to find out three Things (*e*) that are directly oppoſite to Father *Deſirant*'s Pretenſion. 1. That the Thing in Diſpute is not the publick Seſſions, whoſe

(*a*) *Vonder Hardt* T. IV. p. 190.

(*b*) *Ub. ſupr.* p. 191.

(*c*) *Vr. d. Hardt* T. II. Part x. p. 156.

(*d*) *Ubi ſupra*

(*e*) Vol. I L. II. Art 7.

whoſe Order is approv'd of in this Memorial, but the Aſſemblies of the *German* Nation. 2. That the Order obſerv'd by the Aſſemblies of the Nations, is ſo far from being diſapprov'd in this Memorial, that on the contrary, they wou'd fain bring the *German* Nation into it. 3. That they who found fault with the Order and Proceedings of the Council, are therein treated as *Slanderers*. It muſt be own'd that Father *Deſirant* has an admirable Talent to prove a Fact by ſuch Arguments as every body elſe wou'd make uſe of to prove the contrary. But by the way, Father *Deſirant* has been guilty of more than one Overſight with regard to the Memorial. His firſt Miſtake is, ſaying that it was a Letter written to the Council by the Grandees of *Bohemia* and *Poland* (1). It was no ſuch Thing. 'Tis true, that upon the ſame Day in the Xth Seſſion, a Letter was read from the *Poles* and *Bohemians* to the Council. But in this Letter, there was no Talk of the Order to be obſerv'd in the National Congregations. It was to demand the Liberty of *John Hus*, and to defend him againſt the Accuſations laid before the Council, with regard to the Communion in both Kinds. It muſt be obſerv'd however, that in the Appendix to the Council of *Conſtance*, which is at the End of the XIIth Tome of *Labbe*'s Councils, this Memorial of the *German* Nation is tack'd to the Letter from the *Bohemians* and *Poles*; but this is an Error of *Contelor*, Author of this Appendix, who was ſent to *Paris* by Cardinal *Barberin* (*a*). They are Pieces that have no manner of Dependence upon one another, as appears from the Acts of *Vienna*, *Leipſic*, and *Gotha*. The ſecond Miſtake committed by Father *Deſirant* is, in ſaying that this Memorial was preſented by the Biſhop of *Lythomiſſel*; which is falſe. This Biſhop was preſent indeed at the reading of the Letter from *Poland* and *Bohemia*, but it was not he who preſented it, he only deſir'd Time to anſwer it, without having any thing to do with the Memorial in Queſtion. The third Article, in which Father *Deſirant* is miſtaken, is, when he ſays that this Memorial was read before the Deputies of the four Nations. By the Deputies of the Nations, only two Things can be underſtood, either a publick Seſſion, or a general Aſſembly of the Nations. But here was neither one nor the other. The Memorial was only read in the Aſſembly of the *German* Nation, *Congregatio Nationis Germanicæ* (*c*). If Father *Deſirant* has been led into a Miſtake by Father *Hardouin*, this Paſſage ought to be corrected, if not in a ſecond Edition of Father *Hardouin*'s Councils, at leaſt in the ſeparate Volume which is Printed at *Paris*.

(*a*) *App. Labb.* p. 1483, 1486.
(*b*) *V. d. Hardt* T. IV. p. 390.
(*c*) *Vonder H. ubi ſupr.*

(1) A nobilibus Bohemis & Polonis conceptæ & compoſitæ fuerunt literæ admodum ſtrenuæ illa die coram quatuor Nationum Deputatis, per Epiſcopum Lutomiſlenſem exhibitæ, quas videtis apud Harduinum, col. 124. in. 64. Deſir. ubi ſupr. *p.* 109.

PROCEED

WE Proceed to another Reproach, which Father *Defrant* throws upon the firſt Obedience of the Council, and that is, that the Doctors, Parish Priests and the other Graduates, as well as the Cardinals and Bishops, were admitted to it with a deliberative Voice. *Statim enim*, ſays he, ſpeaking of *Gerſon*, *poſt primam Seſſionem cœptus fuit novum ſuffragandi ordinem inducere ſcilicet quod omnibus Parochis, & Doctoribus, ac reliquis graduatis in Concilio, ſuffragandi jus cum Cardinalibus & Epiſcopis æquale foret.* Upon this Complaint I have the ſame Anſwer to make as to the former, viz. That if there be a Nullity in that, the whole Council was null, becauſe the Method was not alter'd, and there was no Retractation in this Reſpect any more than in the others. 'Tis true, that the Cardinal of *Cambray* has put this Article among the Queſtions propoſed not on his Part, but on the Part of the Gainſayers, *viz.* Who were they that had a Right to a deliberative Voice in the Aſſemblies of the Nation, and not of the Council it ſelf. But what wou'd ſuch an Argument amount to? The Cardinal of *Cambray* has put this Article among his Doubts; has the Council of *Conſtance* therefore retracted? Since then that according to Father *Defrant* 'tis a Nullity to admit the Laity in Synodical Deliberations; and ſince the Council of *Conſtance* always practiſ'd it, and even in the Conclave where *Martin* V. was elected, without ever retracting it, we ſee the Council of *Conſtance* once more annihilated from firſt to laſt. When a Man is a Neighbour and a Friend to the *Vatican*, he eaſily learns to reduce every Thing that oppoſes its Oracles to Ames.

NEVERTHELESS, becauſe Father *Defrant* is ſo offended at this Novelty which he call'd ridiculous (*Ridiculam novitatem*) and for which he takes it ſo ill of *Gerſon* for having introduc'd it; we think it proper to explain the Matter to him by continuing the Apology for the Council of *Conſtance*. 1. *Gerſon* is not the only Man who has ſaid, *that the ſame Method was not always practiſed in the Election of Eccleſiaſticks of high and low Degree, and particularly in the Election of the Pope, which was the Matter in Debate at the Council. That ſometimes they were choſe by the Clergy and Laity, at other times by the Clergy alone, and at other times by the Canons of the Cathedral.* In the ſixth Century, *Theodoric*, King of the Goths, having aſſum'd the Prerogative of chuſing the Pope, propoſed Felix IV. *to the Clergy, Senate, and common People of* Rome, in 526, tho' thoſe three Bodies of Electors had another Perſon in View. Father *Paul* (a) ſays, that this was only upon Condition that for the time to come according to ancient Cuſtom, the Election of a Pope ſhould appertain to the Clergy, on paying down a Sum of Money to be raiſed by the Pope and all the Biſhops of *Italy*, for obtaining the King's Confirmation. But this is not the Matter in Queſtion here. It appears nevertheleſs by

(a) Paul Perp. Advert. Part I. p. 215.

the Journal of the *Roman Pontiffs* (1), that in the VIIth Century the Popes were again elected by the Clergy, the Senate, and Laity (*totus Clerus, Optimates & Milites*). This is prov'd by the Decree for the Election of *Boniface* V. the Succeſſor of *Deus dedit*. That Decree runs thus, *Divina nobis in oratione manentibus, ut Cœleſtis Dignatio demonſtraret quem dignum ad ſucceſſionem Apoſtolicæ vicis eligendum jubeat, ejus gratia ſuffragante in unum convenientibus nobis, ut moris eſt, id eſt, cunctis Sacerdotibus ac Proceribus Eccleſiæ, & Univerſo Clero atque Optimatibus, & univerſa militaris præſentia ſeu civibus honeſtis, & cuncta generalitate populi iſtius à Deo ſervato Romanæ Urbis, ſi dici eſt à parvo uſque ad magnum, in perſonam N. Sanctiſſimi hujus Sanctæ Apoſtolicæ Sedis, Romanæ Eccleſiæ Presbyteri Deo cooperante & beatorum Apoſtolorum anniſu concurrit atque conſenſit electio, i. e.* While we continued in Prayer to God, that Heaven wou'd vouchſafe to point out the Perſon worthy of our Choice, to ſucceed in the Apoſtolical See, and being met by the Grace of God, as the manner is, all in one Place, that is, all the Prieſts and Prelates of the Church, and all the Clergy, Nobility, all the Military Power, the honeſt Citizens, and the whole Generality of the People of *Rome*, as we may ſay, from the higheſt to the loweſt, by the Cooperation of God, and the Approbation of the bleſſed Apoſtles, concur and conſent in the Election of *N.* a moſt holy Presbyter of the Church of *Rome*, to the Holy Apoſtolical See. Behold here was an Election as much Laic, as it was Eccleſiaſtical (2). The ſame thing appears in the VIIIth Century, by the Letter from the *Romans* to *Artemius*, Emperor of the *Eaſt*, in which the Subſcription of the Prieſts to the Election of *Gregory* II. runs thus. *Subſcriptio Sacerdotum. Ego N. miſericordia Dei Presbyter Sanctæ Eccleſiæ Romanæ, huic Decreto a nobis facto in N. venerandum Archidiaconum Sanctæ Sedis Apoſtolicæ, & Electum noſtrum conſentiens ſubſcripſi. i. e.* The Subſcription of the Prieſts. I *N.* by the Mercy of God a Prieſt of the Holy *Roman* Church, have ſubſcrib'd my Conſent to this Decree, by us made for the Election of *N.* a Reverend Archdeacon of the Holy Apoſtolical See. It appears alſo, by the Subſcription of the Laity (*Laicorum Subſcriptio*) as well as in the Letters to the Exarch and the Archbiſhop, to the Judges *&c.* of *Ravenna* upon the ſame Head. If therefore in thoſe old Times the Laity had as great a Share as the Clergy in the Election of the Popes, why does Father *Deſirant* think it ſo ſtrange that the Laity ſhou'd be admitted in the Deliberations of a Council, in which the chief Thing in Diſpute was, to ſuppreſs the Schiſm, in order for

(1) *Liber Diurnus Romanorum pontificum*, printed firſt at length by Father *Garnier*, a *Jeſuit*, at *Paris*, in 1680.

(2) This is a Conjecture of Father *Garnier*, *ubi ſupr.* p. 14.

the Election of a Pope? why does he exclaim so loudly against the Novelty of a Method which in the main is very ancient?

FATHER *Defiant*'s Opinion upon this Head, was not the Opinion of the Council of *Basil*, in which the same Question was debated, *viz.* Whether the inferior Clergy, as Priests and Deacons, ought to be admitted to the Council. As the *Partizans* of *Eugene* IV. were for the Negative, the Affirmative was vigorously espous'd by *Lewis Allemand*, Cardinal of *Arles*, one of the Pillars of the Council of *Basil*. He traced the Matter higher up than I have now done, because he goes so far back as the Council of *Jerusalem*, held by the Apostles, in which there were also the Elders (*a*). He might have added that Assembly of Six-score Persons, in which *Matthias* was by General Consent call'd to the Apostleship (*b*). He proceeded from thence to the Council of *Nice*, in which *Athanasius*, tho' no more than a Priest, disputed with such Success against the *Arians*. He says, that there were also many other Priests there, and that the Reason of their not being nam'd is, because the Number of them was too great. *In Concilio Nicæno, quod est omnium famosissimum, Athanasius tunc tantummodo Presbyter, atque fere solus, argumentationes dimicavit Arianas, fuerunt & alii Presbyteri & cum scribitur de trecentis & viginti duo Episcopis, non tamen negatur de inferioribus, quos ideo puto omissis quòd essent pene innumerabiles, sitque denominatio plerumque à magis dignis, i. e.* In the *Nicene* Council which is the most famous of all, *Athanasius*, who was then but a Priest, in a manner unsupported, confuted the *Arian* Arguments; there were also other Priests, and whereas they talk of three hundred and twenty two Bishops, this is not deny'd of the inferior Clergy, who, I suppose, were omitted, because they were in a manner innumerable, and the Denomination is generally made from the most worthy (*c*). He asserts also, that when it was said that there were six hundred Priests (*Sacerdotes*) this Name is common to the Priests and Bishops, and that in the other Councils, the Members are call'd *Patres*, which, as he pretends, signifies Elders, as in the Book of the *Acts*. He instances in several Councils, held both at *Rome* and elsewhere, in which were Priests and Deacons as well as Bishops; but especially a Council of *Toledo*, which, he says, was the first that ever call'd itself a *General Council*, in which the Places of the Priests and Deacons are set down. Lastly, after having from the Authority of St. *Paul*, and of St. *Austin*, and St. *Jerom*, establish'd the Authority which the Fathers had of a decisive Voice in the Councils, he concludes with these remarkable Words. 'The Council of *Constance* is fresh in 'Memory, at which many of us were present; and tho' I was neither a Bishop, nor a Cardinal, but plain Doctor, I was there, and 'saw that the Priests were admitted without any Scruple, to decide 'with the Bishops on Matters of Difficulty. Let us not be asham'd

(*a*) Acts XV. 6.

(*b*) Acts I. 15, 26.

(*c*) *Ap. Sylv. de the Councils of Engl.* p. 15.

'to imitate that moſt great, and moſt holy Synod, which followed it, 'the Council of *Piſa*, and the numerous Council of the *Lateran*, 'at which the Prieſts ſat in Judgment with the Biſhops. Beſides, 'if Abbats, as has been the Cuſtom in all Councils, have a decisive 'Voice, tho' they were not inſtituted by Jeſus Chriſt, why ſhou'd 'Prieſts, whoſe Order Jeſus Chriſt eſtabliſh'd by his Diſciples, be ex-'cluded from it? Beſides, if only the Biſhops have a Voice, nothing 'will ever be done but what pleaſes the *Italian* Nation, which alone 'ſurpaſſes, or at leaſt equals all the other Nations put together, in 'the Number of Biſhops.

AFTER what has been ſaid, let Father *Deſirant* call a Practice as old as the Apoſtles, by the Name of a Novelty; he will ſay, without Doubt, as was ſaid at that Time by *Nicholas Tudeſch*, Archbiſhop of *Palermo*, known by the Name of *Panormitanus*, Ambaſſador from *Alphonſus*, King of *Arragon* to the Council of *Baſil*, that in this the Apoſtles were rather to be admir'd than imitated. But what will he ſay of the other Councils, inſtanc'd by the Cardinal of *Arles*, wherein this Method was follow'd. I foreſee indeed, that he will ſay that the Cardinal of *Arles* renewed *Gerſon*'s Sedition at the Council of *Baſil*, and that therefore he was degraded by *Eugene* IV. But I have three Remarks to make upon this Head: 1. That Father *Deſirant* has been ſo repuls'd as to *Gerſon*'s *pretended Sedition*, that this Objection muſt fall to the Ground. 2. That the degrading of a Cardinal by a Pope that is depoſed, ſuch as was *Eugene* IV, cannot hurt the Reputation of ſuch Cardinal. 3. That the Cardinal *d'Arles* was re-eſtabliſh'd by *Nicholas* V. to whom he adher'd, after having prevail'd on *Felix* V. to abdicate for the ſake of Peace, and that he was *canoniz'd* by *Clement* VII, (*a*) which is enough to put him above all Suſpicion of Heterodoxy.

(*a*) *Egoſ. Purp. Doct.* L. III. p. 59.

THUS are we come to the Concluſion of the Council of *Conſtance*, without having met with one Retractation. On the contrary, the Obediences, when united, ratify'd the Decrees of the firſt, and every Thing was tranſacted till the laſt on the Foot of the Superiority of the Council, becauſe *Benedict* XIII. was therein depoſed, as *John* XXIII. had been before him. Beſides, in the XLVth and laſt Seſſion, *Martin* V. confirm'd and ratify'd every Thing that had been reſolv'd in Matters of Faith, *conciliariter*, ſynodically, that is to ſay, in *full Seſſion*, excluſive of what had only been reſolv'd upon *nationally*, that is to ſay, in the Aſſemblies of the Nations, as was particularly the Condemnation of *Falkenberg*'s Book. I have prov'd from undeniable Arguments and Authorities, that by *conciliariter*, ſynodically, cannot be underſtood, as Father *Deſirant* wou'd have it, *after the manner of other Councils, wherein they voted by Perſons, and not by Nations.* For if *Martin* V. had only ratify'd what had been reſolv'd on in the publick Seſſions,

Seſſions, by the Majority of Votes, he wou'd have ratified nothing at all, either in Matters of Diſcipline, or thoſe of Faith, and the Council wou'd have been annihilated from the Beginning to the End, becauſe in the Seſſions they never voted by Perſons. Father *Deſirant* is got into a *Labyrinth*, which I defy all the *Ariadnes* in the World to bring him out of. As to Matters of Faith, to which *Martin* V. confin'd himſelf, I have as plainly prov'd, that the Superiority of the Pope being an Article of Faith among the *Ultramontanes*, the Superiority of the Council over the Pope was as much an Article with the Council of *Conſtance*. I have ſhewn the Sillineſs of Father *Deſirant*'s Diſtinction between a *Synodical Conſtitution*, and an Article of Faith; on the one hand, becauſe a Synodical Conſtitution may as well turn upon Articles of Faith, as upon Matters of Diſcipline; on the other hand, becauſe the Superiority of General Councils, and of that of *Conſtance* in particular, was repreſented to the *Nations* as an Article of Faith. I have prov'd that even tho *Martin* V's Bull, whereby he prohibited Appeals from the Pope's Sentence to a General Council, ſtill exiſted, which does not appear, it cou'd not invalidate the Decrees of the Vth Seſſion of the Council of *Conſtance*, becauſe this is only a particular Act paſs'd in the Conſiſtory of a Pope who had acknowleg'd the Superiority of Councils, both before and after his Election. We muſt now put Father *Deſirant*'s Argument into due Form.

THE Council of *Conſtance* conſiſted at firſt only of *John* XXIII's Obedience.

THIS Council conſented, that when the other Obediences were joyn'd they ſhou'd call the Council again.

*MARTIN* V. declar'd, that he wou'd only ratify what had been reſolv'd on in Full Seſſion.

HE gave an Anecdote Bull in his Conſiſtory, wherein he prohibited Appeals from the Judgment of the Pope to a General Council.

*ERGO*, the Council of *Conſtance* retracted.

IF it were as hot in the North, as it is at *Rome*, Father *Deſirant* wou'd hear a great many Exclamations of —O—O—O. But 'tis not ſo. I will only ſay two Things for a Concluſion. The firſt is, that were I to adviſe the Pope, it ſhou'd be to anathematiſe every Perſon who ſhou'd offer to maintain the Pretenſions of the See of *Rome*, by Reaſon. *No Reaſon*, Father: The ſecond is, that if it was my Buſineſs, I wou'd give the Appellants againſt the Conſtitution *Unigenitus* a Piece of Advice, the very Reverſe to the Advice of Father *Deſirant*. It ſhou'd be to perſiſt in their Appeal, after the Example of *Philip* the *Fair*, *John Gerſon*, and the Council

of *Conſtance*, which never retracted any more than the Council of *Baſil*, as we ſhall ſee in due Time.

NOTHING remains for me now, but to make ſome Obſervations upon the new *Theological Treatiſe* of *Dom.* MATTHEW PETITDIDIER a Benedictin, concerning the Authority and Infallibility of Popes, which was printed in 1722, at *Luxembourg*. This Author owns *bona fide, that being carry'd away by the Authority of an illuſtrious Clergy, and a famous Univerſity, and being moreover convinced by ſome Paſſages, quoted out of ancient Authors, which he had not yet ſufficiently canvaſs'd* (*a*), *he once was one of thoſe who did not own the Pope's Infallibility.* In this Treatiſe therefore he retracts, and above all Things deſires the *Monks of his Order* to follow his Example. I will only inſiſt upon what relates to the Council of *Conſtance*. 'Tis in the XVth Chapter of his Book, §. . . that he anſwers the Objection drawn from the Council of *Conſtance*. 'This, *ſays he*, is the Grand Objection (*b*), and, as 'one may ſay, the *Achilles* of the *French* Divines who attack the In'fallibility of the Popes. The Council of *Conſtance*, *ſay they*, has clear'ly decided that General Councils are above Popes; that they re'preſent the whole Church; and that the ſovereign Pontiffs, as well as 'others, are obliged to ſubmit to their Deciſions, in every Thing 'that relates to the Faith. Therefore, as the Cardinal of *Lorrain* 'formerly ſaid, 'tis a Hereſy to maintain that Popes are infallible, or 'that they are ſuperior to General Councils. That Cardinal had borrow'ed this Sentiment from *Gerſon*, who triumphs upon it, and ſays that 'the Deciſion of this Council made the Faculty of *Paris* alter their 'Opinion upon this Head, and authoriſed the Divines in maintain'ing that Popes are fallible and ſubmiſſive to Councils. *Let us hear* 'his Anſwers (*c*). I might return for Anſwer, *ſays he*, that this Deci'ſion of the Council is not a Deciſion of a General Council; but on'ly of thoſe Biſhops, Prelates, and Divines who ſubmitted to Pope 'John XXIII, and I cou'd call two contemporary Witneſſes to vouch 'for my Anſwer, *viz.* Pope *Eugene* IV. and the Cardinal *de Turre'cremata* who was at *Conſtance* while the Council ſat. This Au'thor affirms this Circumſtance, as having ſeen it with his own eyes, 'and adds that *John* XXIII. hearing of it, when he was retir'd to '*Schaffhauſen*, complain'd of it as an Incroachment upon the Autho'rity of the Popes, and as an erroneous Doctrine advanc'd in his Ab'ſence, and without his Participation. The *Benedictin* is in the right not to abide by this Anſwer, which, as I have fully ſhewn Father *Defrant*, is meer Chicanery.

(*a*) Advertiſement, p. 2

(*b*) P. 400.

(*c*) P. 400, 401.

BESIDES, the Authority of the Cardinal *de Lorrain*, who, as our Author reports, *ſaid that it was Hereſy to maintain that Popes are infallible, or that they are ſuperior to General Councils*; this Authority, I ſay, is equal to the Authority of the Cardinal *de Turrecremata*, whoſe Fondneſs

Fondneſs for the See of *Rome* made him fall into a great Miſtake upon this Article, as may be ſeen in this Hiſtory (*a*). *Therefore let us hear the Cardinal of Lorrain.* ‘ I cannot deny, ſays he, that I am ‘ a *Frenchman*, and was educated at the Univerſity of *Paris*, in which ‘ the Authority of a Council is held to be above that of the ‘ Pope, and thoſe in *France* who maintain the contrary are deem'd ‘ as Hereticks; that the Council of *Conſtance* is held to be a Gene- ‘ ral Council in all its Parts; that they follow the Council of *Baſil*, ‘ and reckon that of *Florence* to be neither Legal nor General; and ‘ for this, the *French* will dye rather than gainſay it ’ (*b*). Finally *John* XXIII. and *Eugene* IV. ſhall not be taken for Judges in their own Cauſe. Beſides that *John* XXIII, by acquieſcing in his Depoſal, own'd the Decrees of the Vth Seſſion of the Council of *Conſtance*, and *Eugene* IV. own'd them in like manner, till he tranſferr'd the Council of *Baſil* to *Florence*.

(*a*) Vol. I. Book II.

(*b*) *Arnaud. ubi ſupr.* p. 7.

THEREFORE let us ſee the *Benedictin*'s other Arguments. ‘ I main- ‘ tain, ſays he (*c*), that the Deciſion of the Council of *Conſtance* is ‘ not a general Deciſion for all Oecumenical Councils; but only a ‘ particular Deciſion for this Council, by reaſon of the Schiſm which ‘ afflicted the Church, and of the Uncertainty they were in about a ‘ true Pope. Is it poſſible for a Man to have the Patience to be per- petually combating an Argument, the Falſhood of which has been prov'd a thouſand times? At leaſt, Father *Petitdidier* ought to give *Bellarmine* the Honour of it, from whom he has taken it almoſt word for word. That Cardinal's Words are theſe: *Non definit abſolute Concilia Generalia a Chriſto habere poteſtatem ſupra Pontifices; ſed tantum in caſu, id eſt, tempore Schiſmatis quando neſcitur quis ſit verus Papa. i. e. He doth not abſolutely determine that General Councils have a Power over the Popes from Chriſt; but only upon Occaſion, that is, in a Time of Schiſm, when 'tis not known which is the true Pope* (*d*). *Bellarmine*, Father *Petitdidier*, and all the others muſt ſurely have taken a terrible Draught of the River *Lethe*, when they dreamt of ſuch an Anſwer, *Indigner, quandoque bonus dormitat Homerus.* They ſay that the Decrees of the Vth Seſſion of the Council of *Conſtance* which eſtabliſhes the Superiority of General Councils, only relates to the Council of *Conſtance*, becauſe it was call'd in a Time of Schiſm. But have they not read the Decree? The ſecond Decree of that Seſſion imports as follows (*e*). *The firſt Article ſays*, ‘ That the Council of *Conſtance*, lawfully aſſembled ‘ in the Name of the Holy Ghoſt, and conſtituting a General Council ‘ which repreſents the Catholick Church militant, has received a Pow- ‘ er immediately from Jeſus Chriſt, to which every Perſon, of what Rank ‘ and Dignity ſoever he be, tho' Papal, is obliged to yield Obedience in ‘ Things which relate to the Faith, to the Extirpation of the preſent ‘ Schiſm, and to the general Reformation of the Church of God in its

(*c*) P. 401.

(*d*) Tom. II. Lib. II Cap. XIX. p. 429. 43.

(*e*) Hiſt. of the Council of *Conſtance* V. I. L. II. Art 26.

'its Head and Members. *The second Article says*, that whoever, of 'what Rank and Dignity soever he be, tho' Papal, shall obstinately 'refuse to obey the Decrees which this Council, and EVERY O-'THER GENERAL COUNCIL LAWFULLY ASSEMBLED, has hereto-'fore made, or shall make hereafter, concerning the Matters above-'mentioned, and which concern them, if he does not repent, shall be 'liable to suffer a Penance in Proportion, and to be punish'd as he 'deserves, by having Recourse, if it be necessary, to other Methods 'of Law'. But perhaps I translate it wrong. Let us see what the Latin says, *Declarat* (*sancta Synodus*) *quod ipsa in Spiritu Sancto legitime congregata, generale Concilium faciens, & Ecclesiam Catholicam militantem repræsentans, potestatem a Christo immediatè habet, cui quilibet, cujuscunque status vel dignitatis, etiamsi papalis existat, obedire tenetur in his quæ pertinent ad Fidei & Extirpationem dicti Schismatis, ac generalem Reformationem in Ecclesia Dei in Capite & in Membris. Item declarat, quod quicunque, cujuscunque conditionis, status, vel dignitatis, etiamsi Papalis existat, qui mandatis, statutis, seu ordinationibus & præceptis hujus sanctæ Synodi,* ET CUJUSCUNQUE ALTERIUS CONCILII GENERALIS LEGITIME CONGREGATI, *super præmissis seu ad ea pertinentibus factis vel faciendis obedire contumaciter contempserit, nisi resipuerit, condignæ pœnitentiæ subjiciatur, & debitè puniatur, etiam ad alia Juris subsidia, si opus fuerit, recurrendo.* All the Manuscripts, without excepting those of *France* and *Germany*, the Councils printed at *Rome*, by Order of *Paul* IV. those of *Italy*, and even those of the *Vatican* quoted by *Schelstrate*, have this Clause. *And every other General Council lawfully assembled.*

WE will see whether the *Benedictin*'s other Reasons are of better Allay. He says, 1. 'That General Councils can make no Decision in Mat-'ters of Faith, but by following the Tradition of the Church (*with-'out paying any Heed to the Holy Scriptures*; but this only by the way, 'it not being to the Matter in hand.) 2. That it doth not appear 'that the Council of *Constance* made any Inquiry into Tradition, before 'they made a Decision as to the Superiority of Councils. 3. That 'if they had made the least Inspection into Tradition, they would 'have found all the Canon Lawyers, and all the Divines before the 'Time of Schism, for the Superiority of the Pope over Councils, and 'for his Infallibility; and that if they had trac'd it back to the School 'Divines, they would have found the Fathers and Councils of the 'same Sentiment'. Here are two Assertions equally intolerable. The one, that those Questions were not examin'd in the Council. *Bellarmine* was the Man that said this, and *Emanuel Schelstrate* Under-librarian of the *Vatican*, said it after him. Therefore no other Answer is to be made to it here than what *Maimbourg* said to *Schelstrate* upon this Article, 'That so palpable a Lye was never told

'with

'with ſo much Aſſurance; becauſe there never was a Queſtion more 'thoroughly examin'd, or debated in the Council with more Heat than 'this, as appears even from *Schelſtrate*'s MS. For there we find, that 'before the IVth Seſſion, the Cardinals, after great Debates and Oppo-'ſition among themſelves, did all agree, by a ſudden Inſpiration of 'the Holy Spirit, in one and the ſame Opinion, upon this Article 'of the Superiority of the Council over the Pope, that he ought to 'obey the Council in what appertains to the Faith, and to the Ex-'tirpation of the Schiſm; and he adds, that before the Vth Seſſion, 'which was not held till a Week after, and in which, according to '*Schelſtrate* himſelf, it was decided that the Pope ought to obey 'the Council in what relates to the Reformation of the Church in 'the Head and Members; there were great Diſputes alſo, between 'the Cardinals and the Deputies of the Nations (*a*).

(*a*) *Maimb. ubi ſupra* p. 227, 228.

HOWEVER, I wou'd not be bound to prove that thoſe Queſtions were well examin'd; on the one hand, becauſe Diſputes as hot as thoſe were which preceded the IVth Seſſion, can hardly paſs for an Examination; on the other hand, becauſe 'tis very uncertain what was the Subject of thoſe Diſputes between the Cardinals and the Deputies of the Nations, as I have ſhewn in this Hiſtory, immediately before the IVth Seſſion. *M. Schelſtrate* pretends that the Subject of thoſe Diſputes was the Decrees of the Superiority of the Council, and of the Reformation of the Church in the Head and Members; which the Cardinals were not for admitting. *M. Maimbourg* thought the Articles in themſelves were not ſo much the Subject of thoſe Diſputes as what was the beſt Expedient for ſatisfying both Parties (*b*). But Dr. *Dupin* has thought of another Reaſon for this Diſagreement, which is altogether as probable. 'Even tho', *ſays he*, *Schelſtrate*'s Acts ſhou'd be admitted as authen-'tick, they wou'd be of no Significancy to decide the Queſtion, be-'cauſe they do not prove that the Debate or Controverſy turns upon 'the two Decrees in Diſpute betwixt us. And even the Ambaſſa-'dors of *France* are reckon'd among thoſe who were againſt the Ce-'lebration of the Seſſion. Now 'tis abſurd to think that they op-'poſ'd the Decrees in Queſtion. All that can be inferr'd from thoſe 'Acts is, that after the Pope was withdrawn, there were ſome of 'the Fathers at *Conſtance* who doubted whether it was expedient 'to begin the Seſſion in his Abſence, eſpecially becauſe he promiſ'd 'to return. For the Fragments of thoſe Acts produc'd by *Schelſtrate*, 'begin thus. *Every Thing that was offer'd in favour of the Pope, 'was deem'd prevaricating and fallacious*, by the King of the *Romans*, 'and by others who were there; and notwithſtanding this, one and all 'cry'd out for the *Seſſion, the Seſſion*: Whereupon there were very great 'Diſputes that Day, and on the *Friday* following, between the *Cardi-*

(*b*) *Ub. ſupr.* p. 213, 284.

'*nals, and the Nations.*' Be this as it will, we will leave the Diſputes which preceded the IVth Seſſion, to the Speculation of Hiſtorians, and ſeek for other Reaſons to demonſtrate that the Matters in Queſtion were duly examin'd in the Council.

1. THEREFORE the Tracts of *Peter d'Ailli*, *Gerſon*, Cardinal *Zabarella*, and other famous Doctors, which were publickly read in the Council, are a good Proof not only that the Matter was throughly examin'd; but that it cou'd not be examin'd by better Heads. Of which a Man may eaſily be convinc'd by the reading of *Gerſon*'s Works, in which thoſe Queſtions are amply diſcuſs'd *pro* and *con.*

2. THE Affair was not only examin'd in the Council itſelf, but the Doctors came prepar'd to it, as they had been adviſ'd by the Cardinal *de Zabarelia* (*a*). This may be ſeen by ſeveral Preparatory Tracts, and particularly by that which *Gerſon* publiſh'd concerning the *Unity of the Church*, before the Council of *Conſtance* (*b*).

(*a*) *Capit agend. in Concil. General. Conſtant. Cap.* II. *ap. Vonder Hardt*, T. I. P. IX. p. 506.

(*b*) *Op. Gerſ. ubi ſupr.* p. 114. *Vonder Hardt, ubi ſupra* Part V. p. 68.

3. As the Council of *Conſtance* was a Sequel to the Council of *Piſa*, the Council had no need to examine the Matter, becauſe it had been examin'd in the firſt, and had been examin'd likewiſe both in *France*, *Italy* and *Germany*, as may be ſeen in the Hiſtory of the Council of *Piſa.*

4. It was long before the Council of *Piſa* that theſe Matters were debated in the National Councils of *France*, in which they were for the Method of Reſignation, and for the calling of a General Council, the Neceſſity of which is an indirect Proof of the Superiority of General Councils, let Father *Petitdidier* ſay what he will (*c*).

(*c*) P. 316, &c.

THO' the Affair had been duly examin'd for near twenty Years, and was thoroughly prepar'd and matur'd at the Time of the Council of *Conſtance*; this Council nevertheleſs ſubmitted it to Examination, by eſtabliſhing the famous *Reforming College*, ſo often mention'd in the Hiſtory of this Council This College was to preſent its Regulations to the Council, to the end that they might be agreed to *conciliariter*, that is to ſay, ſynodically, in a publick Seſſion. *Bellarmine* has given a pleaſant Explanation of this Word, to make believe that the Matters in Queſtion had not been examin'd in the Council. He ſays that the Term *Conciliariter* ſignifies, *after the manner of other Councils* (*Concilio-rum more.*) After having carefully examin'd the Matter (*d*) I have already demoliſh'd this trifling Gloſs (*e*) after the manner of Dr. *Richer*, to whom we muſt join *Meſſieurs Maimbourg* (*f*) and *Arnaud* (*g*), who underſtood this Word as I do, and as the Caſe in queſtion abſolutely requires it ſhou'd be. 'Tis evident therefore, that no Queſtion was agreed to and concluded in full Council, *Conciliariter*; till it had been well examin'd by the Nations, *Nationaliter*; and that the Queſtion of the Superiority of the Council, and the Popes Obligation to ſubmit to it, was canvaſs'd more than any other.

(*d*) *De Concil. Auctorit. Lib.* II. *Cap.* XIX. p. 42. Col. 2. Litt. E.

(*e*) Vol. II Book VI. Art. 75. of this Hiſtory.

(*f*) *Ubi ſupr.* p. 227.

(*g*) Of the Authority of Councils and Popes, p. 501, 505.

THE other unwarrantable Aſſertion advanc'd by Father *Petitdidier* is, *that all the Canon Lawyers, and all the Divines before the Time of the Schiſm, were for the Superiority of the Pope over Councils, and for his Infallibility; and that if we go as far back as the Age of the School Divines, we find the Fathers and Councils of the ſame Opinion.* As I have nothing to add to what I have now ſaid in anſwer to Father *Deſirant*, who had the ſame Pretenſion, or if you pleaſe, the ſame Prejudice, I proceed with my other Anſwers to the *Benedictin.*

*IF*, (*a*) ſays he, *the Definition of the Council had been general for all Oecumenical Councils, 'tis very certain that* Martin *V. wou'd not have confirm'd this Article, or he wou'd not have iſſued a Bull in the Council itſelf, to forbid the appealing from the Pope to a General Council.* I am very glad to hear our Author acknowledge that *Martin* V. confirm'd the Superiority of the Council of *Conſtance*. He ſaves me the Trouble of confuting him on that Head, as *Meſſieurs Maimbourg* and *Arnaud* have been oblig'd to confute *Schelſtrate*, who pretended that *Martin* V. had invalidated the Decrees of the Vth Seſſion. As to what the *Benedictin* ſays, *that 'tis certain that* Martin *V. wou'd not have confirm'd this Article if it had been general for all Oecumenical* Councils; I think on the contrary, that there's nothing more certain than that the Article was general. *Martin* V. knew before-hand that the Decree which ſubjects the Pope to a General Council, related to *every other Oecumenical Council lawfully aſſembled*, as the Decree expreſsly imports: So that in confirming the Decree he could not confirm it but upon that Foot. Beſides, in what manner ſoever it was done, *Martin* V. was too much intereſted in this Decree not to confirm it; becauſe if he had made it void, it wou'd have been an indirect Confeſſion, that the depoſing of *John* XXIII was null and void, and by conſequence his own Election.

(*a*) P. 404.

BUT, ſays the *Benedictin*, *Martin* V. having forbid, as he did by a Bull, the apealing from the Pope's Judgment to a General Council, has, indirectly at leaſt, by that Means conteſted the Superiority of General Councils over the Popes. There is more than one Anſwer to be return'd to this Objection. The firſt I ſhall give is from *M. Maimbourgh.* 'So, *ſays he*, when one of the Ambaſſadors of the King of 'Poland, had a mind to appeal to a future Council, the Pope en'joyn'd him to Silence on Pain of Excommunication; and he did ve'ry well, becauſe that Appeal wou'd have been manifeſtly raſh, injuri'ous, and unwarrantable; nothing being more evident than that 'the bare Reſolution of the Cardinals and Nations, without the 'Authority of the Council, cou'd not be obligatory on the Pope. 'And it was for this Reaſon, that *Martin* being juſtly incenſed at 'ſo unworthy a Proceeding, made a Bull not long after, which he 'caus'd to be read, not in the Council, but in a publick Conſiſtory,

'by which he declar'd that 'tis not lawful for any Perſon to ap-
'peal from the Holy See, or from the Pope, nor to except againſt
'his Judgment in Cauſes of Faith, which, as they were major Cauſes
'ought to be left to the Pope and the Holy Apoſtolical See. *M.*
'*Schelſtrate* produces theſe Words as his final Argument, which he
'thinks invincible, to prove that the Pope is abſolutely above all
'Councils. But 'tis very eaſy to return him an Anſwer, which he
'has had a hundred times over, and without replying to it, that theſe
'and other Phraſes of the like Import, ought to be underſtood with
'relation to all Churches taken apart, to all Biſhops, Archbiſhops,
'Metropolitans, Primates and Patriarchs, from any of whoſe Deci-
'ſions 'tis lawful to appeal to the Pope, who is their Superior, not
'when they are aſſembled in a Body, in a General Council repre-
'ſenting the whole Church, but when they are conſider'd diſtinctly,
'agreeable to thoſe Words of St. *Auſtin* in the ſecond Book of Bap-
'tiſm againſt the *Donatiſts: Who does not know that St.* Peter, *by rea-*
'*ſon of the Primacy of his Apoſtleſhip ought to be preferr'd to any E-*
'*piſcopacy whatſoever?* He ſays to any Epiſcopacy, and not to the
'whole Epiſcopacy in a General Council. So that this Bull of *Mar-*
'*tin* V, no more than that of *Pius* II. which begins *Execrabilis*, can-
'not abſolutely condemn and forbid the Uſe, but only the Abuſe
'which may be made, of Appeals to a General Council, by appeal-
'ing to them raſhly, unreaſonably, and illegally, as did thoſe Am-
'baſſadors of *Poland*, and *Lithuania*. And if *M. Schelſtrate*, not-
'withſtanding all this, inſiſts upon it, that the Pope, by this Bull,
'abſolutely condemns, and forbids all Appeals to a General Council,
'which however it does not ſay, he may be eaſily anſwer'd, that
'were it ſo, it wou'd not be of any Force at all, becauſe it was not
made, *Conciliariter, & ſacro approbante Concilio*, nor with the Con-
'ſent of the Church, which never pretended, that in ſome Caſes
'Appeals might not be made from the Pope to a Council. To
'be convinc'd of this, he need only read a Treatiſe writ upon
'the Subject, by that learned and pious Man *John Gerſon*, Chan-
'cellor of the Univerſity of *Paris*, and the Declaration which that
'famous Univerſity made, by an authentick Act, to *Philip the Fair*,
'that it was lawful to call a Council, and to appeal to it againſt
'*Boniface* VIII; which Univerſity conſented, and adher'd, according
'to the ſacred Canons, to the ſaid Call and Appeal which the King
'and all *France* made to the Council (*a*).

(*a*) *Ubi ſupr.* p. 232, 234.

THE ſecond Anſwer I ſhall borrow from *Meſſieurs Dupin* and *Ar-*
*naud*, who have choſe to cut the *Gordian* Knot, and in plain Terms,
to blame *Martin* V, rather than to miſinterpret his Conſtitution.
'*Martin* V, *ſays the firſt of theſe Doctors*, did as all do, when raiſed
'to the Pinnacle of Honours, who forget their former Sentiments,

'and

'and assume quite another Spirit. When he was advanc'd to the 'Pontificate by the Council, he shew'd himself docile and obedient, 'as long as the Council lasted, and did not pretend to any Authority 'over the Synod. But the Council was no sooner ended, than he 'begins to exalt his own Authority. As soon as Men offer'd to speak 'of the Condemnation of *John de Falkenberg*, he imposed Silence on 'them; and the very Proposal of appealing from his Judgment to a 'future Council, so displeas'd him, that he issued the Constitution in 'question, not considering that if it were true that no Appeal can 'be made from the Pope's Judgment, his own Election could not 'stand any more than the Abdication of *John* XXIII, *Benedict* XIII, 'and *Gregory* XII, because they might have challeng'd an equal Right 'over the Councils of *Pisa* and *Constance*, and have hinder'd any Ap-'peal from their Sentences to a Council, the rather because one of 'them was a lawful Pope. And if they say that this takes place in 'Case of a Schism, how will they be able to maintain *Martin*'s Con-'stitution, which forbids the appealing to a Council; because when it 'was granted, the Schism was not at an End; *Peter de Luna* pre-'tending that he was a true Pope? But whatever was *Martin* V's 'private Judgment (*ut ut sit de Martini V. privatâ mente*) it may be 'said in answer, that he never publickly and authentically disallow'd '(*reprobasse*) the Decrees of the IVth and Vth Sessions, but had of-'ten approv'd them, as has been demonstrated. For this Constitu-'tion, of which *Gerson* makes Mention, was never publish'd (*promul-'gata non fuit in orbem*) and has hitherto lain dormant (*a*).'

(*a*) *De Antiq. Eccles. Discip. Dissert.* VI. p. 418, 419.

'Tis very strange, by the way, that a Constitution so advantageous to the See of *Rome*, as this we are speaking of, should never see the Light, and that we should know nothing of it, but by the Testimony of *Gerson*, who reports it himself but by Hearsay. Perhaps it would not be impossible to guess at the Reason of it. Since fatal Consequences might be inferr'd from it for the Election of *Martin* V, according to *M. Dupin*'s Remark, this Pope was not willing to make it publick; but nevertheless he drew it up in his first Consistory, which was held *March* 10, 1418, that he might make use of it in due Time and Place; and he would not have fail'd to have made an Advantage of it, if the *Poles* had persisted in their Appeal, which did not subsist, because he gave them Satisfaction. *M. Arnaud* conjectures also that it was suppress'd, because the Consequence of it was foreseen; and he establishes his Conjecture upon very good Reasons. Upon this Occasion, I shall relate a Circumstance advanc'd by Dr. *Burnet*, Bishop of *Salisbury*, in his *Travels thro' Italy*, *Switzerland*, &c. and quoted by *Budæus*, in his Dissertation abovemention'd. 'Tis this: *M. Schelstrate* had told Dr. *Burnet* that *Martin* V. made another Constitution, in which he confirm'd the Approbation he had given to the Decrees

Decrees of the Council of *Conſtance*, except that which puts Councils above Popes. Thus do they make Bulls to blow hot and cold, according as Occaſion ſhall require. Theſe are Dr. *Burnet*'s Words: 'As for the Pope's Confirmation of that Decree, it is true that by a 'General Bull, Pope *Martin* confirm'd the Council of *Conſtance* to 'ſuch a Period; but beſides that, he made a particular Bull, as *Schel-* 'ſtrate aſſur'd me, in which he enumerated all the Decrees that he 'confirm'd, and among thoſe this Decree concerning the Superio- 'rity of the Council is not nam'd. This ſeem'd to be of much more 'Importance, and therefore I deſir'd to ſee the Original of the Bull; 'for there ſeems to be juſt Reaſons to apprehend a Forgery here. He 'promis'd to do his Endeavour, tho' he told me that would not 'be eaſy, for the Bulls were ſtrictly kept; and the next Day, when 'I came, hoping to ſee it, I could not be admitted; but he aſſur'd 'me, that if that had not been the laſt Day of my Stay at *Rome*, he 'would have procur'd a Warrant for my ſeeing the Original: So this 'is all I can ſay as to the Authenticalneſs of that Bull. But ſuppo- 'ſing it to be genuine, I could not agree with *M. Schelſtrate*, that the 'general Bull of Confirmation ought to be limited to the other that 'enumerates the particular Decrees. For ſince that particular Bull 'was never diſcover'd till he found it out, it ſeems it was ſecretly 'made, and did not paſs according to the Forms of the Conſiſtory, 'and was a fraudulent Thing, of which no Noiſe was to be made 'in that Age; and therefore in all the Diſputes that follow'd in the 'Council of *Baſil*, between the Pope and the Council, upon this very 'Point, no Mention was ever made of it by either Side; and thus it 'can have no Force, unleſs it be to diſcover the Artifices and Fraud 'of that Court: That at the ſame Time, in which the Neceſſity of 'their Affairs oblig'd the Pope to confirm the Decrees of the Coun- 'cil, he contriv'd a ſecret Bull, which in another Age might be made 'uſe of to weaken the Authority of the General Confirmation that 'he gave; and therefore a Bull that doth not paſs in due Form, and 'is not promulgated, is of no Authority; and ſo this pretended Bull 'cannot limit the other Bull.'

AFTER *M. Dupin*, let us hear *M Arnaud*. *Schelſtrate*'s Objection runs in theſe Terms: '*Martin* V, ſays *Schelſtrate*, has plainly ſhew'd 'that he was above the Council; for, without giving himſelf any 'Pain becauſe *Falkenberg*'s Books had been condemn'd by the Na- 'tions, and by the College of Cardinals, in ſuch manner that nothing 'more remain'd to be done than to declare it publickly condemn'd, 'he alone prevented it from being ſo declar'd; and tho' a great 'many Things were ſaid for the Condemnation of it, he put every body 'to Silence; and without deſiring the Conſent of the Fathers, meerly 'by his own Pontifical Authority, he order'd that no Declaration ſhou'd

ſhou'd be made concerning that Book (*b*).' *M. Arnaud*'s Anſwer is as follows: 'If *Martin* V. had determin'd contrary to the Opinion of all the reſt of the Council, that *Falkenberg*'s Book was free from Error, and if his Sentiment had prevail'd over the Opinion of all the others, who thought it contain'd *very groſs Hereſies*, there might be ſome Colour for this Objection; but in the Acts of the Council, 'tis not ſaid what Opinion the Pope had of this Book. It is not ſaid that he thought it a good Book, nor that he hinder'd any body from thinking it as vile a Book as it was thought to be in the particular Aſſemblies of the Council. 'Tis only ſaid, that he hinder'd it by Violence from being condemn'd in a publick Seſſion; but why he did ſo, is not known. It happens very often, that the Preſident of a Society does by Violence hinder the Conſultation upon ſome Affair, or refuſes to conclude it after Conſultation has been had upon it; doth it follow from thence, that he is above the whole Society, as a King is above his Subjects? Never did any body think ſo. This only ſhews, that Men are apt to make an ill Uſe of their Power, by doing what they have no Right to do, or that they imagine they may uſe it for a good End, contrary to the ordinary Rules. That's all that can be ſaid of this Action of *Martin* V. *Gerſon*, who was preſent at the Council, finds a great deal of Fault with it in his Dialogue concerning the Council of *Conſtance*, and ſurely he was as good a Judge of it at leaſt as *M. de Schelſtrate*. I don't ſee therefore what this Diſſertator can infer from it, unleſs he wou'd have Popes to be thought, not only infallible, but alſo impeccable, and that if they have done a Thing, 'tis Proof enough that they have done well, and that they had Authority to do it. The Fathers of the Council did not approve of this Action of *Martin* V. but they thought fit to wink at it, becauſe as all this paſs'd in the laſt Seſſion of the Council, when it was juſt drawing to an End, they were not willing to diſturb the Concluſion of it by a troubleſome Diſpute, not doubting moreover that the groſs Errors with which this Book abounded wou'd vaniſh of themſelves (*b*).

(*a*) *Schelſt.* p. 74, 75.

(*b*) *Arn. ubi ſupr.* p. 521, 522

THIS is ſufficient to anſwer the Reflection which Father *Petitdidier* makes (*c*) upon this Procedure of *Martin* V, and upon his Bull. After all that has been ſaid, this Bull ought to be no more regarded than if it had never been; ſince we know nothing of it but from the Complaints made againſt it by *Gerſon* one of the greateſt Promoters of the Decrees of the Vth Seſſion, and from the Advantage which ſome modern *Ultramontains* have pretended to make of it, tho' they were never able to produce it. And, as *M. Arnaud* has very well obſerv'd, if this Bull had been publiſh'd any where but in *Martin*'s Conſiſtory, an Appeal wou'd infallibly have been lodg'd againſt it in *France*, as there

(*c*) P. 404, 405

there was againſt *Pius* II's Bull *Execrabilis*, which forbad Appeals from the Pope to an Oecumenical Council. The Reader will not be diſpleas'd to ſee ſome Part of this Appeal againſt the Bull of *Pius* the ſecond, as it is quoted by *M. Arnaud* (a). *We have alſo*, ſays M. Arnaud, *the Act of the Appeal by that Attorney General*, whoſe Name was *John Dauvet*, and in this manner it ſpeaks of the Bull *Execrabilis*. 'It ought not to be ſuppos'd that our Holy Father, 'by the Bull, which 'tis ſaid, he publiſh'd at *Mantua*, and which 'begins *Execrabilis & inauditus*, wou'd have it thought that in any 'Caſe, whether it relates to the Preſervation of the Orthodox Faith, 'or the Exciſpation of Schiſm, or the Univerſal Reformation of 'the Church in the Head and Members, it is not lawful in any 'ſort, for Princes and Kings to have Recourſe to the Judgment of 'a Full Council concerning any Complaints which they may have 'againſt any of the Popes; becauſe Things which ought to be 'particularly expreſs'd are not deem'd to be included in a General 'Prohibition. *Cum ſub generali prohibitione non veniant ea quæ ſpeciali expreſſione indigerent*, and eſpecially ſuch as may tend to the 'Prejudice of the Orthodox Faith, to the fomenting of Schiſm, 'and to the blemiſhing of the Luſtre of the Catholick Church. Therefore St. *Auſtin*, that Luminary of the Holy Church, writing to (1) 'Glorius, *Eleuſius*, and *Felix* the *Grammarian* (2), concerning ſome 'Perſons that had been condemn'd by Pope *Melchiades*, ſays, that 'if they thought that thoſe who had ſat in Judgment upon the 'Affair at *Rome* with this Pope, had not given right Judgment, and 'were unjuſt Judges, they might appeal to a General Council of the 'whole Church, in which the Affair wou'd be diſcuſs'd again with 'thoſe who had given Judgment upon it, and their Sentence revers'd, 'if it appear'd they had given wrong Judgment.' And St. *Jerome* confirms the ſame Thing, in the Letter to *Evagrius*, wherein he ſays, 'that the Church of the City of *Rome* is not one Church, and the 'Church of the World another Church; but that if any Queſtion 'ariſe concerning the Authority of the one, or the other, the Church 'of the World has the Preference over the Church of the City, '*Et ſi quæritur Autoritas, Orbis major eſt Urbe.*

(a) *ubi ſupra* p. 535, 536. *Vid. & Nat. Al. Sec.* XV, XVI. *Diſſert.* IV. p. 432.

WHAT Father *Petitdidier* adds, has as little Solidity in it. 'If, 'ſays he, the Diſtinction of the Council of *Conſtance* had been General, and had not been reſtrain'd to a Time of Schiſm, 'tis certain 'that all the Catholicks wou'd have acquieſc'd in their Deciſion, and 'that ſuch as ſhou'd have preſum'd after that Time to maintain the Superiority of the Pope, wou'd have been declared Hereticks, and cut off from the Body of the Church. Now this is

(1) This which was formerly the 162d Letter, is now the 43d.
(2) It muſt be *Felix*, and *Grammaticus*.

2 ſo

ſo far from being the Caſe, that on the contrary, we find that immediately after the Council, the Divines of that Time ſtill maintain'd, that Popes were infallible, and ſuperior to General Councils (*a*). But who does not ſee it to be meer Sophiſtry, to lay down for a Maxim what is only in Queſtion? Some Divines, nay if you pleaſe, all the *Ultramontane* Divines continu'd, notwithſtanding the Decrees of the Council of *Conſtance*, to maintain the Infallibility of the Popes, and their Superiority over General Councils. Therefore the Decrees of the Vth Seſſion of the Council of *Conſtance* are not General, and only relate to this Council. The Argument is very concluſive. The Buſineſs is to know who are the Catholick Divines, they who maintain'd the Decrees of a General Council, approv'd and confirm'd by the Pope himſelf, or they who wou'd not follow them. It will be ſaid without Scruple upon the bare Propoſal, that the firſt are the Catholicks, and that the *Ultramontane* Divines are not *Catholick Divines*; theſe being only the Divines of *Rome*, and the Pope. When *Martin* V made his Conſiſtorial Bull, to forbid the appealing from the Judgment of the Pope to a General Council, the Catholick Church was in the right to ſtand up againſt it, and perhaps he only ſuppreſs'd his Bull for fear of it. But admitting that he had made it publick all over the World, after what had been done, what cou'd have been done more? The Pope had Thunder'd from the *Vatican*; there wou'd have been a Neceſſity to have re-aſſembled a General Council to reduce him to Temper, and the Schiſm wou'd have broke out afreſh. The beſt way therefore wou'd have been to lye ſtill; *Quieſcendum eſt*, ſaid Father *Valerian*, rather than oppoſe a Tyrannical Authority, at the Expence of the Publick Tranquillity. 'Tis in vain therefore for Father *Petitdidier* to oppoſe the Decrees of the Council of *Conſtance*, with Authors all devoted to the See of *Rome*, particularly the Cardinal *Turrecremata*, and *Antoninus*, Archbiſhop of *Florence*; becauſe, as Father *Noel Alexander* ſays very well according to the *Paris* Divines, ſome Teſtimonies of *Turrecremata*, *Antoninus*, *Torquemada*, cannot be of any Prejudice to a Truth founded upon the ſacred Scriptures, upon Tradition, upon the Decrees of General Councils, and back'd by the Suffrage of the Generality of Writers of all Orders diſtinguiſh'd for their Piety and their Learning (*b*). After all, theſe Authors are (*a*) p. 495, &c.

(*b*) p. 496.

Parties, and they can't be heard in the preſent Queſtion, becauſe they are Creatures of the Popes. Such was *John de Turrecremata*, a Preaching Frier who was at the Council of *Conſtance*, while he was yet but in an inferior Rank (*in minoribus*, as he ſays) He afterwards ſignaliz'd his Zeal in Favour of *Eugene* IV, againſt the Council of *Baſil*, both at *Baſil*, and *Florence*, and had a Cardinal's Cap for his Reward. As to St. *Antoninus* of *Florence*, 'tis certain that he has

decided *that 'tis not lawful to appeal from a Pope to a General Council, becauſe the Pope is ſuperior to any Council whatſoever, and becauſe 'tis a Hereſy to ſay the contrary* (*a*). I am not ſurpriz'd at him: He is an *Ultramontain.* In the mean time Father *Noel Alexander*, a *Dominican* as well as he, did not think him ſuch an Oppoſer of the Superiority of the Councils, and by conſequence of the Decrees of the Council of *Conſtance*, as he ſeems to be at firſt; becauſe the Canon Lawyer of *Florence* owns in the ſame place that the Pope's Judgment is not infallible in himſelf, and without the Aſſiſtance of the Council and the Catholick Church, which cannot err. *Licet ut perſona ſingularis ex motu proprio agens Papa poſſet errare in fide, tamen utens Concilio* (1) *& requirens adjutorium Univerſalis Eccleſiæ, Deo ordinante, qui dixit, ego rogavi pro te, &c. non poteſt errare, i. e.* Although it is poſſible for a Pope to err in the Faith, as well as a ſingle Perſon, when he acts of his own Accord; yet when he makes Uſe of a Council, and requires the Aſſiſtance of the Catholick Church, according to the Command of God, who ſays, I have prayed for thee, *&c.* he cannot err. Upon which, Father *Alexander* argues as follows: 'If 'the Pope is not infallible by himſelf, and without the Aſſiſtance 'of the Church, he may be ſet right by a General Council; if he 'may be ſet right by a Council, the Council is ſuperior to him; if 'the Council is ſuperior to him, there are Caſes in which Appeals 'may be made againſt his Judgment, eſpecially when the Faith is 'in Danger (*b*).' 'Tis true, that *Antoninus* denies the Conſequence. *If the Pope*, ſays he, *like a private Man, fell into Hereſy, it wou'd not from thence follow that an Appeal ſhou'd be made againſt his Judgment, becauſe in ſuch a Caſe he ſhou'd be admoniſh'd by thoſe, who, in the Election of a Pope, repreſent the whole Body of the Church, as do the Cardinals of the Church of* Rome; *and if after Admonition he ſhou'd be inclin'd to amend, they ought not to judge him; but, by humbly deſiſting from his Error, he ſhou'd puniſh himſelf. And if on the contrary, he obſtinately perſiſts in his Hereſy, he ſhall, for that very Reaſon, be ſet aſide from the Pontificate, and made leſs than any Catholick Clergyman.* This Anſwer does not ſatisfy *Noel Alexander*, and he attacks it from theſe Words of *Gerſon*, who has aſſerted that a Pope who ſhou'd fall into Hereſy wou'd not therefore be depoſed *ipſo facto.* 'Tis not true, *ſays* Gerſon, that a Pope from the inſtant he falls in- 'to Hereſy, eſpecially if it be ſecret, is actually depos'd, as neither 'is it true of other Biſhops. This Opinion is liable to Inconveniencies 'in ſeveral Reſpects, as particularly with regard to the Uncertainty 'of the Eccleſiaſtial Polity, and the Adminiſtration of the Sacraments, 'and tends to favour the condemn'd Hereſy of *John Wickliff*, which

(*a*) Part III. *Summ. Tit.* XXIII. Cap. III. §. 3.

(*b*) *ubi ſupra.*

(1) I believe it muſt be *Conſilio.*

conſiſted

‘ conſiſted principally in declaring that no Pope and Biſhop in mortal
‘ Sin conſecrates, *&c.* And whoever duly examines the Reaſons why this
‘ Doctrine of *Wickliff* was condemn'd, will find that tho' Hereſy
‘ renders a Prelate worthy of being depoſed, it does not however fol-
‘ low from thence, that he is actually depoſed, unleſs *human Depoſition*
‘ intervene. For as Holineſs, how great ſoever it be, doth not con-
‘ ſtitute a Pope or a Biſhop, if the *human Election doth not intervene*,
‘ according to the common Law contrary to the Opinion of the *Vua-*
‘ *dois*; ſo according to the common Law, no Iniquity detracts from
‘ the Papal or Pontifical Dignity if the *human Depoſition* doth not
‘ intervene (*a*).

(*a*) Vol. II. p. 304, 305.

FOR the reſt, I leave thoſe Doctors with all my Heart to agree among themſelves, without meddling in their Diſputes. The main point in Queſtion is a Diſpute between the *Ultramontanes*, and the Divines of the *Romiſh* Communion, which does not concern me, and I have only to do with the Council of *Conſtance*; which, as I think I have ſufficiently defended againſt the Pretenſions of the Fathers *Defrant* and *Petitdidier*, I ſhall conclude here with a wholeſome Admonition to thoſe Gentlemen, and others of that Stamp, *viz.* to ſhew more Reſpect to the Publick than they have done hitherto, and not to be always telling the ſame Stories over and over, with the ſame Aſſurance, after a hundred Anſwers have been return'd to them, containing ſuch Arguments as never met with a Rational Reply.

*E N D of the* DISSERTATION.



AN

# APOLOGY

By the AUTHOR of the

## Hiſtory of the Council of *CONSTANCE*

AGAINST THE

## Journal *de Trevoux* for the Month of *December*, 1714.

*Berlin, Sept.* 3, 1715.

AS the Journals *de Trevoux* are very long a coming hither, 'tis not many Days ſince we receiv'd the Abridgement, which thoſe able Journaliſts gave of the *Hiſtory of the Council of Conſtance*, in their Journal for the Month of *December*, 1714; I was not more uneaſy till it came than I was eager to read it, being aſſured that I ſhould find ſomething in it of more Moment to the Publick, than Panegyricks on the Author, or a meer Summary of Facts contain'd in the Hiſtory: Nor was I deceived in my Expectation; for tho' 'tis the ſhorteſt Abſtract that has been given of the Book, yet there are ſeveral Strokes here and there in it, which are proper to be taken Notice of, both with regard to the ſubject Matter, and with regard to the Author himſelf. I am inclin'd to believe that thoſe Gentlemen, who in other reſpects have done me more Honour than I deſerve, had not advanc'd ſome Arguments and Facts in it, were it not for their Attachment to Principles, which may be conteſted with them, and for want of being better inform'd: Nor ſhould

ſhould I have animadverted upon any Part of it, if the Importance of the Subject had not demanded it; but I ſhall take Care to do it with all the Regard due to Writers of their diſtinguiſh'd Merit.

I. THE Extract begins with theſe Words, *The Proteſtants vainly boaſted of* M. Lenfant's *Book before it came out.* I confeſs, this ſeems to me to be a very odd Beginning, and I queſtion whether we ſhan't find more Affectation in it, than in the Care which the Proteſtants took to *give Notice of the Hiſtory of the Council of* Conſtance *before it was publiſh'd.* Every body knows that as ſoon as the Journal-Writers have Information that any Bookſeller has a Copy printing, which may be of Uſe to the Publick, their Cuſtom is to advertiſe it beforehand, and many Times too, before the Work is committed to the Preſs. Of this I will call no other Witneſſes than the Journaliſts *de Trevoux* themſelves; nor will I go any farther for an Inſtance of it than the very abovemention'd Journal, for *December* 1714, which contains the Extract of the Hiſtory of the Council of *Conſtance.* There is an Article from *Caen*, in which they give an Advertiſement of *M. de la Ducquerie*'s Phyſical Dictionary long before it came out, becauſe they add, *Let the Bookſellers of* France *and Foreign Countries diſpute the Honour of communicating ſo uſeful a Work to the Publick.* In the very ſame Journal, in the Article from *Louvain*, they have alſo given Notice before-hand of an Edition of St. *Thomas*, preparing by Father *d'Elbecque*, a *Dominican.* But what is more ſurprizing than all, is, that in the Article from *Berlin*, in the ſelf ſame Journal, they advertiſe the Hiſtory of the Council of *Baſil*, in theſe Words, M. Lenfant *is hard at Work upon the Hiſtory of the Council of* Baſil.

P. 2189, 2190.

P. 2187.

ALL the Catholick Journaliſts alſo gave Notice of the Hiſtory of the Council of *Conſtance* before it appear'd. Thoſe of *Paris* did it, and it receiv'd the ſame Honour from Meſſieurs *de Trevoux*, in their Journal of *Febr.* 1715, that is to ſay, above a Year before it ſaw the Light. So far therefore the Conduct of the Proteſtant Journaliſts, who made *Mention of the Hiſtory of the Council of* Conſtance, before it was publiſh'd, ſeems clear of Affectation, becauſe they did no more than what the *Catholick* Journaliſts do, with regard to all Manner of Books, and with regard to this in particular. If there had been any Affectation in the Matter, it would not have conſiſted in the bare advertiſing of the Work, but in the advertiſing of it in Terms plainly denoting the Fondneſs of the Proteſtants for its Publication, or in giving themſelves ſuch Airs of Triumph before-hand, as would have render'd them ſuſpicious of Partiality to the Author, or of Affection to the Cauſe it ſelf. But nothing of this appears, the Work being advertis'd hiſtorically, with the greateſt Simplicity that could be, and without the leaſt Token of Zeal for it. Which is what

what cannot be ſaid of the Method the Journaliſts *de Trevoux* have taken, in advertiſing the new Edition of St. *Thomas*'s *Summa*. *The Eccleſiaſtical Powers*, ſay they, *ought to have a watchful Eye over the Edition of a Work of ſuch Importance, and not to ſuffer ſo pure a Fountain to be corrupted by the Licenſer of the Treatiſe of the* Action of God, *and of all the* Janſeniſts *Books that are publiſh'd in the* Netherlands. This may be juſtly call'd *advertiſing with Affectation.* I fancy the Publick will diſcover equal Affectation in the Method of advertiſing the Hiſtory of the Council of *Conſtance*, in that Part of the Journal which I juſt now quoted. *But*, 'tis P. 362. there ſaid, *M. Lenfant is a Proteſtant, and I will not be anſwerable that his Hiſtory is not tainted with the Prejudices of Religion.* As the Proteſtants have not been guilty of Affectation in giving an Account of this Hiſtory, 'tis evident that every thing here ſaid by thoſe Gentlemen to juſtify ſuch pretended Affectation, falls to the Ground. 'Tis to endeavour at giving a Reaſon for a Thing which is not *in eſſe*, juſt like thoſe Learned Men who have compos'd very curious Pieces to explain the *Golden Tooth* of *Sileſia*, and the *Conjuring Wand*; or like *Madame Dacier*, who compiled a very large Volume to ſhew the *Cauſes of the Depravity of Taſte*, at a Time when the Taſte was as good as it has been ever.

II. THE EXTRACT proceeds, *Have not they* (the Proteſtants) *ſeen* P. 2043. *enough to know that the Hiſtory of a Council, written by a Man who diſputes the Authority of all Councils, will be very liable to Suſpicion?* M. Lenfant *makes Proteſtation of his Sincerity; but the Teſtimony of a Rebel againſt his Prince will never go down, for all ſuch Proteſtations.* As this Article ſeem'd perſonal, my natural Averſion to all kinds of Controverſy made me heſitate whether I ſhould anſwer it. Beſides, thoſe Gentlemen have made ſuch obliging Mention P. 2054. of me in another Place, that I ſhould think it ſomewhat ungrateful to quarrel with certain Blots which fell from their Pen, perhaps, without any ill Deſign. For I am far from ſuppoſing that thoſe Gentlemen did me ſo much Honour in one Place, for no other end but to *wound me with the better Grace.* Be this as it will, the natural Obligation which every Man lies under to defend himſelf againſt heinous Accuſations, has prevail'd over all the Caution with which Vanity could inſpire me, after being tickled with the Praiſes of ſuch able Writers. I conſider'd moreover, that the Accuſation is not ſo perſonal as it ſeem'd to be at the firſt View of it; and that as it ſquints both at the Proteſtants, and the Refugees in general, I could not let it drop without incurring, in ſome Meaſure, the Guilt of Prevarication. The Accuſation turns upon two Points; the one, that I am a Perſon *who diſpute the Authority of all Councils*; the other, that I am a *Rebel againſt my Prince* (or perhaps, rather *a Rebel to my Prince*).

A Man cannot be accuſed of diſputing the Authority of all Councils, till it has been made appear, either in publick or private, that he diſown'd the Authority of any Council. Now this is what I deſy thoſe Gentlemen to prove, with reſpect to me, becauſe I never aſſerted any thing that could give the leaſt Colour for ſuch a Cenſure. It can only be founded therefore on my being a Proteſtant. But this Accuſation is ſtill more unjuſtifiable with regard to the Proteſtants in general, than if it only related to me in particular, becauſe their Books, their Confeſſions, their Symbolical Writings, and all their Hiſtories, prove the contrary. There can be no Colour for the Accuſation, without proving that the Infallibility and Authority of Councils are but one and the ſame Thing; if this were clearly made out, the Author of the Hiſtory of the Council of *Conſtance* would be involv'd in the Caſe of all the Proteſtants, who by not owning the Infallibility of Councils, do by conſequence diſown their Authority. But every body knows full well, that there's a wide Difference between the Authority of a Judge and his Infallibility. Really it were to be wiſh'd, that Authority and Infallibility were always in the ſame Chair, becauſe then Submiſſion might be paid to Authority with a very ſafe Conſcience. But on the other hand, if Infallibility muſt neceſſarily be joyn'd to Authority to render it legal, there would be no lawful Authority upon Earth in which there is nothing infallible, and every Man would live in a State of Independence. After all, they were not Proteſtants who firſt ſeparated the Infallibility of Councils from their Authority. At the Time of the Council of *Conſtance* there were ſeveral eminent Doctors, who maintain'd that Councils were not infallible, and who only gave this Attribute to the Catholick Church, according to the Teſtimony of *Peter d'Ailli*, Cardinal of *Cambray*, who was at this Council. What conſtitutes a Catholick Church is not the Subject of Inquiry here, it belongs to thoſe Gentlemen to debate that Affair; all that lies before us is a Matter of Fact, *viz.* that at that Time they who did not agree in the Infallibility of Councils, were not deem'd as Perſons that diſputed their Authority. The Arguments for and againſt the Infallibility of Councils may be ſeen in a Tract which was written much about that Time by *John de Courte-Cuiſſe*, a Doctor of *Paris* and Batchelor of *Geneva*, concerning *the Faith, the Church, the Pope of* Rome, *and the General Council.* It appears by that Writing that the Queſtion was very problematical as well as very knotty; but that however they who diſputed the Infallibility of Councils, did nevertheleſs own their Authority. The Abbat of *Palermo*, for example, known by the Name of *Panormitanus*, who wrote the Apology for the Council of *Baſil*, did indeed recognize the Authority of Councils, but he by no means thought them infallible, becauſe he ventur'd to advance, *that a Layman, who*

*Jacob Almain Ap. Gerſ. T. II. p. 1023.*

*ſpeaks according to the Word of God, is more to be believ'd than a General Council, which ſhould contradict God's Word.* 'Tis plain therefore, that the not agreeing in the Infallibility of Councils is not a revolting againſt their Authority. And after all that can be ſaid, *Meſſieurs de Trevoux* would come off but ſcurvily, if they ſhould caſt any Reproach at the Proteſtants upon this Head, becauſe 'tis the *Ultramontane* Divines themſelves, and the Jeſuits their Adherents, who have ſtripp'd the Councils of their Infallibility, whether real or pretended, and cloathed the Popes with it.

To return again to the Opinion of the Proteſtants concerning the Authority of Councils, no Spirit of Rebellion againſt that ſort of Authority was ever obſerv'd among them. When *Leo* X. fulminated his Bull againſt *Luther*, the latter had no other Refuge to fly to but to the Authority of a General Council. The Proteſtants having not been able to obtain Satisfaction at the Council of *Trent*, were impatient for a Free Council. Therefore the Point here in queſtion is not ſo much the Authority of Councils, which is not diſputed either by the Proteſtants, or by the Author of the *Hiſtory of the Council of* Conſtance, as the Quality of the Councils, on which their Authority entirely depends. As the Authority of Councils is an Authority purely ſpiritual, like to that of Jeſus Chriſt, in whoſe Name and Authority Councils are aſſembled, they cannot have a lawful Authority, without all the Qualifications requiſite for the due Exerciſe of a ſpiritual Authority, like to that of Jeſus Chriſt. If, for example, they are not free, and if every Member has not the Privilege of ſpeaking in it, either to defend his own Cauſe, or to make ſuch Propoſitions in it as ſhall be neceſſary for the Welfare of the Church, it will be no longer a ſpiritual Authority, which neceſſarily ſuppoſes Liberty; but it will be an Authority meerly political. If a Council was not compos'd of all the Parts of the Catholick Church, but only of ſome; neither would it have a Right to impoſe Laws upon the whole Church; it would be a National or Provincial Council or Conventicle aſſembled by a Faction; it would not be an Oecumenical Council, nor by conſequence one of thoſe, which, according to the moſt prevailing Opinion in the Church of *Rome*, immediately hold their Authority from Jeſus Chriſt. If ſuch a deſpotick Authority preſided in a Council as ſhould endeavour tyrannically to regulate all Things according to its own Fancy, and to ſet up its own Laws inſtead of thoſe of Jeſus Chriſt, there would be good Reaſon for revolting againſt ſuch a Council. In this Caſe I heartily conſent to be accus'd with the whole *Gallican* Church, of being a Man that *is a Rebel againſt the Authority of Councils.* I ſhall have the ſame Weapons to defend my ſelf, as that flouriſhing Church has; and I ſhall glory with her, in acknowledging no other Authority in

See *Dupin* of the Antient Govern. of the Church, Diſſ. VII. Sect. 2.

Councils, but that of Jeſus Chriſt himſelf. Thus, when all Things are duly conſider'd, it will appear that the Authority of Councils has no other Enemies but the Popes, the Canon Lawyers of the Church of *Rome*, and their Adherents, who have always, to the utmoſt of their Power, eluded the Calling of Councils, and who dread it as bad as the Fire that burns, witneſs the invincible Averſion which was always manifeſted by the Popes *Leo* X, *Adrian* VI, *Clement* VII, and others, to the calling of ſuch a Council as the *Germans* deſir'd: But let us hear a Divine of the *Gallican* Church, concerning the Rebellion of the Popes againſt the Authority of Councils. 'The 'Popes, *ſays he*, who make it a capital Duty to aboliſh the Council, 'becauſe it is the only Tribunal ſuperior to their Authority; and 'being reſolv'd never to aſſemble any, till they are forc'd to it, in 'order to take away all Pretence for demanding it, they have had 'the Aſſurance to declare Appeals to a future Council null and 'void, and this upon an Argument to the laſt degree impertinent, 'namely, that there can be no Appeal made to what does not exiſt, 'and that a future Council is a future contingent Being, which doth 'not exiſt.' Conſequently the Popes are not to blame, that Councils are meer Rational Beings.

*Eſprit de Gerſon*, or *the Ghoſt of Gerſon*, printed 1712, p. 247.

I have hitherto made it appear, that *I am not a Rebel againſt the Authority of Councils in the general*; and that in this reſpect I profeſs to follow the Foot-ſteps, not only of the Proteſtants, but thoſe of the whole *Gallican* Church, and her moſt celebrated Doctors, before and ſince the Reformation. This is not all, I alſo hope to convince *Meſſieurs de Trevoux* that I not only reverence Councils in the general, which have the Conditions that a Council ought to have; but that there are ſeveral Councils, whoſe Authority I own; and that by conſequence, *Meſſieurs de Trevoux* aſſerted much more than they can make good, when they repreſented me as *a Man that was a Rebel againſt the Authority of all Councils*. We will inſtance in the four firſt Oecumenical Councils, which *Gregory* I. profeſs'd as much Veneration for, as for the four Goſpels, and whoſe Authority is likewiſe own'd by all Proteſtants. 'Tis true, that they don't explain themſelves on that Head, in Terms ſo ſtrong as *Gregory the Great*; and that 'tis not to the Authority of thoſe Councils that they profeſs ſo much Reverence, as to their Conformity with the Word of God, according as *Henry Bullinger* has explain'd himſelf in his Treatiſe of Councils. Upon that Head, he happily quotes a famous Paſſage from St. *Auguſtin* to *Maximin* of the Sect of *Arius*. St. *Auguſtin* ſays, *Let not me quote the* Nicene *Council, nor you the Council of Arminii. I am not bound by the Authority of the one, nor You by the Authority of the other. Let us diſpute from the Scriptures*, &c.

Cap. 23.

*Auguſt. contra Max.* T. VIII p. 409.

THIS

THIS is not St. *Auguſtin*'s Opinion only, but 'tis the Opinion of all the Fathers, and of the Church of *Rome* it ſelf, as appears from the Canon Laws; and above all, the *Gallican* Church is entirely of this Opinion. For ſince a Council immediately derives its Authority from Jeſus Chriſt, 'tis very evident that it has no Authority, farther than as its Decisions are regulated by the Law of Jeſus Chriſt. A Man therefore, who only ſpeaks of Councils, in the Language of all the Ancients, and of thoſe of the beſt Authority among the Moderns, cannot be look'd upon as a Man who is a Rebel againſt the Authority of all Councils. *Decret.* Part I. *Diſt.* VIII, IX.

NEVERTHELESS, I am content to paſs for one in the Opinion of *Meſſieurs de Trevoux*; *Grant, I am a Man that is a Rebel againſt the Authority of all Councils*; but let me examine the Conſequence they draw from it againſt me. *Were they* (the Proteſtants) *not ſenſible*, ſay the Journaliſts, *that the Hiſtory of a Council, written by a Man that diſputes the Authority of all Councils, would be very ſuſpicious?* If the Inference is fair, I affirm that there's no Party, and by conſequence, no Hiſtorian in Chriſtendom, from whom the World may hope for a Hiſtory of any Council whatſoever, and eſpecially of the Council of *Conſtance*, that is free from Suſpicion. For who are the Men that will undertake to write ſuch a Hiſtory? They cannot be the Divines of the *Gallican* Church; for 'tis plain from their fond Deference to the Authority of this Council, becauſe it favours their Liberties and Privileges, againſt the Pretenſions of the Court of *Rome*; ſuch a Hiſtory from that Quarter, *would be very much ſuſpected*. The ſame may be ſaid of the Roman Catholick Divines of *Germany*. As this Council does very great Honour to their Nation, and as moreover they have almoſt the ſame Reaſons to ſtand up for the Authority of it, as the Divines of *France*, the Hiſtory which they would write of this Council, would be equally ſuſpected by thoſe who have a different Notion of it. Thus, we find already, a multitude of People ſuſpected in the very Boſom of the Church of *Rome*. Perhaps, the Divines of *Italy*, and thoſe who are of their Sentiments, would be more proper to give us a Hiſtory of the Council of *Conſtance*? But would it be ſafe truſting to Perſons that have manifeſtly rebell'd againſt the Authority of this Council? 'Tis well known that the Councils of *Florence* and the *Lateran*, which, properly ſpeaking, were the Pope's Councils, gave Deciſions directly contrary to the chief Deciſions of the Councils of *Conſtance* and *Baſil*; and that they were extremely afraid at the Council of *Trent*, that the Decrees of the two latter Councils, concerning the Superiority of Councils over the Popes, would be renew'd in theirs. One *Richard de Verceil*, ſpeaking of the Council of *Baſil* as of a General Council, *Jerome Guerin*, Biſhop of *Imola*, cenſur'd him for

his Raſhneſs, in giving the Name of General to a Schiſmatical Council, eſpecially after thoſe who had quoted it, had been ſo often reprov'd. And the General of the *Servites*, *John Baptiſt d'Aſt* would not have *cry'd up the Council of* Conſtance, with Impunity, *above all the other General Councils*, if it had been fafe to have ſtirr'd in the Affair. Theſe are Facts related by Father *Paul*, confirm'd by Dr. *Dupin*, and wretchedly confuted by *Pallavicini*, who, by the way, accuſes the Council of *Baſil* of Rebellion againſt the Pope; and diſputes its Authority. Nor is there any body ignorant of the great Efforts that were made in the laſt Century, by *Emanuel Schelſtrate*, a Canon of *Antwerp*, and Sub-librarian of the *Vatican*, to render the Authority of the Councils of *Conſtance* and *Baſil* ſuſpicious. It may be imagin'd from thence that a Hiſtory of the Council of *Conſtance*, written by the Divines of *Italy*, and by the Partiſans of the Popes and their Councils, could not but be ſuſpected to the laſt degree by the greateſt part of the Chriſtian Word. What remains then but to give this Commiſſion to the Reverend Fathers the Jeſuits, who have conſtantly in their Society very great Men, capable of the nobleſt Undertakings, and more eſpecially to write the Hiſtory of a Council; and who moreover have all the outward Helps for ſucceeding well in ſuch an Attempt? At leaſt, it will be ſaid, it were better to have defer'd the Writing of this Hiſtory, till Father *Hardouin* had given us the Edition of Councils, which, 'tis ſaid, he has a long time been preparing for the Preſs. No doubt one ſhould have found Acts more authentick, than in the Collection of the Acts of this Council, made from the MSS. of almoſt all Europe, but compil'd, as ill Luck would have it, by a Man, who in all Appearance is as great an Enemy to the Authority of all Councils, as the Author of the Hiſtory. It may be ſo. Yet I don't know whether the cenſorious World would not be even more diſtruſtful of a Hiſtory of the Council of *Conſtance*, after the manner of the Jeſuits, than of a Hiſtory of it written by any other Author. I know not how it happens, that notwithſtanding their Reputation, their Credit, and even their Merit; yet all but their Friends have a Suſpicion of every Thing that comes from their Quarter. Undoubtedly it muſt be imputed only to human Prejudice and Malice; but which way ſoever I turn, I find Umbrages and Suſpicions ariſe on every Side againſt a Hiſtory of the Council of *Conſtance*, written by the Pen of a Jeſuit. Nay, there are Perſons who affirm that the Jeſuits cannot write any Hiſtory which is not ſuſpicious, becauſe they have render'd all the Fountains of Hiſtory ſuſpicious; and becauſe the ancient Councils themſelves are not ſecure from the Attacks which ſome of their Order have been pleaſed to make upon the moſt authentick Pieces of ancient Hiſtory, to the end that nothing but the Decretals of the Popes may have the

Father *Paul*'s Hiſtory of the Council of *Trent*, L. VI. p. 548.

*Pallavicini*'s Hiſt. of the Council of *Trent*, Lib. XVIII. C. 411. p. 20.

the Stamp of Authority. I am far from entertaining ſo injurious an Opinion of an Order ſo venerable, and will confine my ſelf to the Reflections which the Publick would be apt to make upon a Hiſtory of the Council of *Conſtance*, procur'd by the Care of the Society. It would infallibly be ſaid, that the Jeſuits being, generally ſpeaking, very much attach'd to the See of *Rome*, and therefore Enemies to the Liberties of the *Gallican* Church, a Hiſtory of the Council of *Conſtance* from their Pen would be very ſuſpicious. 'Tis well enough known what a Perplexity the Jeſuits were in, when Father *Maimbourg* declar'd for the Church of *France*, contrary to the Pretenſions of the Popes, at which *Innocent* XI. was ſo diguſted, that the Father was forc'd to quit the Society to get them out of Trouble. But to prove that the Jeſuits would not be thought very proper to write the Hiſtory of the Council of *Conſtance*, we need only obſerve *Bellarmin*'s Subterfuges to evade the Deciſions of this Council, touching the Superiority of General Councils over the Popes. Where then ſhall we find a Man to write a Hiſtory of the Council of *Conſtance*, whom no body can ſuſpect? When all Things are duly conſider'd, the moſt unſuſpected Perſons for ſuch an Affair, ſeem to be they, who, like the Proteſtants, are neither Enemies nor Slaves to the Authority of Councils.

*Dupin Bibl. Eccl. T. XVIII. 238.*

*Bellarmin. de Concil. L. II. Cap. 18.*

BUT to enter into the Truth of the Matter: From what Quarter ſoever a Hiſtory comes to my Hand, I ſhould not be willing to miſtruſt it, nor much leſs, to render it ſuſpicious, eſpecially if I was a Journaliſt. As there are certain Affairs in which all Mankind is ſo much concern'd, that 'tis impoſſible to find any Perſon who is not already prejudic'd on one Side or other, one muſt deſpair of ever having a faithful Hiſtory of what paſſes in the Diſcuſſion of ſuch Matters; and every Hiſtorian, as ſoon as he enters the Liſts, muſt expect no Favour, becauſe he would be look'd upon as a ſuſpicious Writer. In reality, 'tis no matter whether the Hiſtorian is a Proteſtant, or of another Communion; whether he ſtands up for the Liberties of the *Gallican* Church, or is devoted to the See of *Rome*; whether he contravenes the Authority of Councils, or profeſſes a Reſpect for them; the Buſineſs in Hand is to know if he is well informed of the Facts, and if he is a Man of ſufficient Veracity to report them faithfully. And if we were to form a Judgment by Precedents, with regard to the Hiſtory of Councils, I would venture a Wager that the Publick would always incline more to an Hiſtorian, who does not blindly ſubmit to their Authority, than to one who aſcribes to them an Authority infallible and ſuperior to every other Authority. It was in the latter Light that *Pallavicini* conſider'd the Council of *Trent*; but his Hiſtory comes very far ſhort of that general Applauſe which has been given to Father *Paul*'s Hiſtory, who had not altogether the ſame Opinion

of that Council. 'Tis moreover of very great Advantage to the Publick, that one and the ſame Hiſtory ſhould be writ by Authors of different Perſuaſions, to the end that the Truth of Facts might be the better illuſtrated, by comparing the different Relations. Neither Father *Paul* nor *Pallavicini* ought to be taken upon Truſt, but both the one and the other ſhould be render'd ſubſervient to the Advantage and Illuſtration of the Truth. *M. Schelſtrate* quotes certain Acts of the Council of *Conſtance*, which he met with in the *Vatican*, and which are not to be found elſewhere. *M. Arnaud* diſputes the Validity of them. Let them agree as well as they can, the Publick muſt be Judges. I have wrote the Hiſtory of the Council of *Conſtance*, from Acts which are publick and authentick, and which no body ever diſputed; why ſhall it be ſaid that I am to be ſuſpected, ſince the Publick is in a Capacity to judge by reading the Hiſtory it ſelf, whether I have kept fairly to my Records, or whether I have forg'd, curtail'd or ſuppreſs'd them, to favour one Party to the Prejudice of the other? I hope alſo that the Publick will do me Juſtice, and acknowledge that *Meſſieurs de Trevoux* have in this Inſtance, perhaps inadvertently, departed from the Character of Journaliſts, and taken up that of Cavillers, inſtead of imitating the Modeſty of the Journaliſts of *Paris*, who have contented themſelves with giving a plain faithful Narrative of this Hiſtory. I am not ſo vain as to boaſt of the Honour done me in *England*, *Holland*, *Germany*, and in all the Proteſtant Countries, where I have not been deny'd the Character of which an Hiſtorian ought to be moſt ambitious, *viz.* that of Diſintereſtedneſs and *Impartiality*. Theſe are Authorities to which *Meſſieurs de Trevoux* are not oblig'd to ſubmit. But I know from very good Hands, that the Court of *Vienna* has the ſame Opinion of it, and they cannot but have the ſame Notion of it in *France*, becauſe the Hiſtory is actually printed there.

*Arnaud Eclaire ſur l'Aut des Con. Gen. Ch. II. &c.*

II. THE OTHER Accuſation, which is of *my being a Rebel againſt my Prince*, is ſtill more odious; but as good Luck would have it, 'tis as eaſy to diſprove, and will not require much Time. However, it almoſt ſcar'd me; the Character of a Rebel is horrid, and I did not recover my firſt Fright, till I had ſifted and ſounded all the inward Receſſes of my Conſcience. I have found in this Search, that for above thirty Years that I have been in *Germany*, where I have had the Honour to ſerve the Publick in two different Dominions, *viz.* the *Palatinate* and *Brandebourg*, I can neither reproach my Conduct nor my Heart, God be praiſed, with the leaſt Shadow of *Rebellion againſt my Princes*. I was therefore oblig'd to trace the Matter higher, and to ſee if my Character, as a *French* Proteſtant, did not render me liable to the Acculation. If God had brought me into the World in

thoſe

thoſe unhappy Times when *France* was miſerably diſtracted by inteſtine Wars.

> —— *populumque potentem*
> *In ſua victrici converſum viſcera dextrâ*
> *Cognataſque acies.*

If I had been born, I ſay, in thoſe Times, I might perhaps, by my Birth and Character as a Proteſtant, have engag'd in one of the Parties which the other call'd *Rebellious*. However, I ſhould have had convincing Arguments to defend me againſt ſuch an Accuſation; and the Method of Recrimination would not have fail'd me, whatever had been the Conſequence. But as I was not born in thoſe Times, my Enemies can accuſe me of being a Rebel, with no better Juſtice than the Wolf did the Lamb.

> *Ante hos ſex Menſes malè, ait, dixiſti mihi.*
> *Reſpondit Agnus: Equidem, natus non eram.*
> *Pater hercule tuus, inquit, maledixit mihi.*

I can only therefore be call'd Rebellious by thoſe Gentlemen, upon a Suppoſition that I am of the number of the Refugees, who were drove out of *France* by the Perſecution. In this Suppoſition there are two Queſtions, one of Law the other of Fact. The Queſtion of Law is, whether the Refugees are Rebels. The Queſtion of Fact is, whether I am a Refugee. As to the Queſtion of Law, 'tis plain that thoſe Gentlemen are for the Affirmative. But I have no need to anſwer an Accuſation ſo unjuſt, and yet ſo often repeated. They who have anſwer'd the *Advice to the Refugees*, have ſaved me the Trouble, becauſe they have prov'd, beyond all Contradiction, that which way ſoever we conſider it, whether according to the Law Natural and Divine, or even according to the Law of Nations and the Civil Law, thoſe Perſons who fly in the ſame Caſe as the Refugees fled, cannot be deem'd as Rebels. I don't think that *Meſſieurs de Trevoux* would be fond of embracing *Tertullian*'s Opinion, who, in a Treatiſe he wrote while he was a *Montaniſt*, that is to ſay, a Fanatick, pretends that 'tis never lawful to fly from Perſecution. They would in ſuch Caſe be confuted by the Holy Scriptures, by the Command and Example of Jeſus Chriſt, by the Examples of the Apoſtles, the Primitive Chriſtians, thoſe of all Ages, the Fathers, Councils, and univerſal Tradition. Therefore the only Point that remains to be clear'd up is, whether the Proteſtants of *France* were perſecuted or no, whether they were not oblig'd to Subſcriptions and Tranſactions, contrary to their Conſciences, and whether they were not compell'd thereto by moſt

*Meſſ. Abbadie, & de Larrey.*

moſt horrible Tortures. This is a Fact ſo publickly notorious, that none will conteſt it but Perſons void of Conſcience and Shame, who have equally ſold themſelves to the Courts of *Rome* and *France*. In vain have they endeavour'd to cloak and palliate it: It will always remain a conſtant Truth, till the Invention of a new Language and a new Dictionary, to explain what is meant by *Perſecution*. The Queſtion of Law therefore is determin'd thus. The Refugees are not Rebels for having quitted *France*, becauſe they were drove out by Perſecution.

As to the Queſtion of Fact, *Meſſieurs de Trevoux* muſt know that the Author of the Hiſtory of the Council of *Conſtance* not having the Honour to be a Refugee, cannot be a *Rebel againſt his Sovereign*, according to their own Principle, unleſs it be by his approving of the Refugees Conduct, in making their Eſcape, and thereby ſaving their Conſciences from the violent and almoſt invincible Temptations to which they were expos'd in their Native Country. If this makes him a Rebel, then every honeſt Man in *France* is as much a Rebel as he. The Author went out of the Kingdom a long while before the great Fire of Perſecution, and before the Repeal of the Edict of *Nantes*. He had no other View but to travel, and then to return to his Native Country, which was barr'd againſt him by the ſuppreſſing of that Edict, and by an open Perſecution. There was no room therefore to accuſe me of Rebellion at that Time. But what follows, is ſtill more poſitive, *viz.* that my Father, who was a Miniſter of the Goſpel, having an Order and a Paſſport from the King, when he left *France*, caus'd me to be included in his Safe-Conduct, which I keep ſtill. Thus are thoſe Gentlemen miſtaken, with regard to me, both in Law and Fact, becauſe I am no Rebel either one way or other. They have advanc'd a Principle which is falſe, and have drawn a Concluſion from it, which would be falſe too, even tho' the Principle were true. I am the more ſurpriz'd that they ſhould take ſuch a Liberty with ſo much Unconcernedneſs, when they cannot but know that a certain Society, which to them is not indifferent, is publickly accuſed, and, in the general Opinion, convicted, not only of having cheriſh'd Rebels and Traitors to their Sovereigns, in its Boſom, but of having actually taught Principles contradictory to the Security of all the States and Potentates in the World, the Pope excepted. I don't intend to recall thoſe hateful Things to Memory which have already made but too much Noiſe in the World, and do ſo ſtill. Libraries abound with Proofs of what I ſay, and the laſt Piece that was written againſt the Jeſuit Father *Jouvency*'s Hiſtory of the *Society of Jeſus*, and ſuppreſs'd by the Arrêt of the Parliament of *Paris*, is of it ſelf ſufficient to perpetuate the Memory of them. Here I will only add the Reſolution paſs'd in a National Synod

It was printed in 1713.

nod of the Reformed Churches of *France*, which was held at *Tonneins* in 1614, whereby it will appear how much the Principles and Practices of Rebellion againſt their Sovereigns are abhorr'd by the Reform'd. The Act runs thus, *Whereas the pernicious Doctrine of the Jeſuits againſt the Lives, Rights and Authority of Sovereign Princes, is publiſh'd every Day with more and more Impudence, by the chief Men of that Sect*; Suarez *having, for ſome Months paſt, outdone his Companions in a Writing he lately publiſh'd, the Aſſembly deteſting this abominable Doctrine and its Authors, exhorts all the Faithful to have it in Abhorrence and Deteſtation; and all thoſe who have a Commiſſion to teach, to oppoſe it vigorouſly, in Maintenance of the Rights of Sovereigns eſtabliſh'd by God, in Conjunction with the Law of God himſelf.* As I have no where departed from the Principle of the Synod of *Tonneins*, in this reſpect, *Meſſieurs de Trevoux* may read *the Hiſtory of the Council of* Conſtance, with all the Safety in the World, and without any Apprehenſion that any *Refractory* and *Rebellious* Turn of Mind has miſled me from the Truth. Nevertheleſs let us ſet the Matter in the worſt Light that it will bear, and let us admit for true, what theſe Gentlemen have ſo raſhly adventur'd to aſſert; what would they themſelves ſay, if the Argument was turn'd thus: Pallavicini *the Jeſuit, has wrote a Hiſtory of the Council of* Trent; *another of the ſame Order is preparing a Collection of the Councils; another has wrote the Hiſtory of Lutheraniſm, Calviniſm, the League; another that of* France, *&c. All theſe Gentlemen write perfectly well; but what Credit ought to be given to the Report of Perſons who are Idolizers of the Popes, and Rebels to their Sovereigns?* Tho' the Conſequence ſeems very natural, yet I ſhould be loth to infer it; becauſe, be it ever ſo ſpecious, it may be thought raſh and falſe, upon the Peruſal of the Work it ſelf, in which every Man ought to be left entirely free, without being prejudiced by diſadvantageous Impreſſions. Therefore I leave the World to judge of the Inference drawn by *Meſſieurs de Trevoux*, even tho' all that they have ſaid of me without Foundation were true, nay, ſuppoſing there were ſomething in it ſtill more odious. M. Lenfant *is a Proteſtant, and by conſequence, a Rebel againſt the Authority of all Councils. He is a Refugee, and by conſequence a Rebel againſt his Sovereign, becauſe he went out of* France, *contrary to the King's Orders. He has lived for thirty Years in this Rebellion, &c.* Ergo, *his Hiſtory of the Council of* Conſtance *is very ſuſpicious, and his Proteſtations of Sincerity in that reſpect, ought never to be admitted.*

*Amiſſi riſum teneatis amici?*

III. To proceed with the Examination of the Extract, made by *Meſſieurs de Trevoux*, in p. 2045, 2046, they ſay as follows: 'We ſhall

'better anſwer the Reader's Expectation, as we think, if we demon-'ſtrate that the Reproaches which *M. Lenfant* throws upon the 'Church by reaſon of this Council, are eaſily confuted by the very 'Facts which the new Hiſtorian acknowleges.' To this I anſwer in one Word, that *I have caſt no Reproaches upon the Church*, but have only mention'd the Reproaches which were then caſt upon the Church of *Rome*, by the whole Chriſtian Church.

THE Journal ſays, p. 2047, 2048, that the Council *confirm'd the Excommunication* which was fulminated by the Pope againſt *John Hus*; *and that while* Hus *was free at* Conſtance, *he continued to teach his new Doctrine, and to ſay Maſs in his Chamber, without any Regard to the Excommunication which he lay under.* If thoſe Gentlemen pretend that I have ſaid ſo, they make me ſay a Thing which I have not ſaid, and was not capable of ſaying; but if they ſay it of their own Head, they advance a Fact contrary to the Truth of Hiſtory. It was impoſſible that the Council ſhould confirm the Excommunication of *John Hus*, before his Impriſonment, which happen'd *Nov.* 28, 1414. In the firſt Seſſion, which was held *Nov.* 16, nothing more was done than the reading of ſome Bulls which concern'd the Council in general, and the regulating the Ceremonial of that Aſſembly. In the ſecond Seſſion, which was not held till the 2d of *March* 1415, no Mention was made of *John Hus*, the Emperor and the Council not thinking it fit that any Affair ſhould be treated of, till they were well aſſur'd of the Reſignation to be made by *John* XXIII, who complains himſelf, among other Grievances, of the Emperor's Delay in the Condemnation of Hereſies. *Illo expedito* (nempe Ceſſione) *voluit Dominus noſter Seſſiones tenere, & procedere ſuper Reformatione Eccleſiæ & Extirpatione Hæreſium: Quod nunquam obtinere valuit niſi quantùm placuit Regi & inducentibus eundem.* But there is ſomething more to come ſtill, and that is, that the Council was ſo far from confirming the Excommunication of *John Hus*, that the Pope himſelf took it off, before *John Hus* was apprehended. This appears by a Letter written from *Conſtance* to *Bohemia*, by one of the Friends of *John Hus*, who was ſuppos'd to be *John de Janowitz*, his Vicar. *Scire vos cupio, quia heri auditor, utinam Sacri Palati Apoſtolici, cum Epiſcopo Conſtantienſi venerunt ad hoſpitium noſtrum, unà cum Officiali Conſtantienſi & Magiſtro locuti ſunt, qualiter altercatio magna inter Papam & Cardinales verſata ſit de interdicto fulminato prætenſo contra Magiſtrum noſtrum, & breviter concluſerunt, ut accedant Magiſtrum, intimantes ſibi, quia Papa de plenitudine Poteſtatis ſuſpendit jam dictum interdictum, & ſententias Excommunicationis contra Magiſtrum Johannem latas.*

*Wonder Hardt, T. IV. p. 47.*

*Epiſt. Hus* IV. *fol.* 58.

P. 2048. IV. M. Lenfant *owns*, ſays the Journal, *that the Paſſport which* John Hus *had obtained of the Emperor, was not produc'd in Form.*

I don't know that I have any where confeſs'd this: I only ſaid p. 61 and 188, that it did not appear that the Pope himſelf had ſeen the Paſſport, and that he did not deſire to ſee it. But he could not be ignorant that *John Hus* had one, for he was made acquainted with it, immediately after the *Bohemian* Doctors Arrival, and it was confirm'd to him by *John de Chlum*, as ſoon as *John Hus* was arreſted. This Safe-Conduct was ſeen by the greateſt part of the moſt illuſtrious Members of the Council, and the chief Nobility of *Germany* were preſent at the Drawing of it up, as appears by the Anſwer of the *Bohemian* Lords, to the Acculation given in by the Biſhop of *Lythomitz*. Now I demand of every candid Judge, whether in a Fact ſo publickly notorious, and in an Affair of ſuch Importance, a Defect of Formality can warrant ſo groſs a Breach of Faith as the Violation of a Safe-Conduct. Therefore have *Meſſieurs de Trevoux* thought fit to look out for ſome other Plea, to ſalve the Honour of the Council in this reſpect. They ſay, that *the Paſſport, ſuch as 'tis printed, was only to ſecure his Journey to* Conſtance, *and contain'd no Promiſe for his Stay at* Conſtance. I declare, that when I read theſe Words, I could ſcarce believe my own Eyes. I always underſtood, that when a Man had a Paſſport given him to go any where, ſuch Paſſport extended to ſecure him at the Place where he was going, as well as upon the Road. And if the King of *France* granted me a Paſſport to go to *Paris*, I ſhould reckon my ſelf as ſafe at *Paris* it ſelf, as in any Place upon the Road. Surely it would be a very ſtrange Exception, if *Conſtance* ſhould be the only City excepted from all the *Cities*, *Towns*, *Villages*, *Societies*, and all the Subjects of the *Empire*, which were order'd by the Emperor to procure *John Hus* all manner of Security: 'Tis ſtill more ſtrange, becauſe *Conſtance* was the very Place where *John Hus* had need of a Paſſport, for it was of no Service to him upon the Road. But did thoſe Gentlemen really read the Paſſport, *as it is printed*, or did not their Eyes want Spectacles? The Paſſport, as it is printed, contains theſe Words, *Omni prorſus impedimento remoto, tranſire, ſtare,* MORARI *&* REDIRE *liberè permittatis, &c. i. e.* You ſhall let him paſs, ſtop, STAY and RETURN freely, without any manner of Impediment. If this Return did not mean his Return from *Conſtance* to *Prague*, I am not the only Man that's blind, and am ſure that every body elſe is as blind as my ſelf. *But*, continues the Journal, *the Emperor never meant to promiſe the Doctor contrary to all Law, an Impunity from Crimes which he committed in the Sight of the Council, and after his Arrival at* Conſtance. 'Tis true that if *John Hus* had committed Murder; if he had robb'd upon the Highway; if, while he was at *Conſtance*, he had, like a Rioter, declaim'd againſt his Judges; it was not the Emperor's Intention to ſcreen ſuch Crimes, or ſuch Enormities from Puniſhment by his Safe-Conduct.

*Vonder Hardt*, T. IV. p. 212. P. 2048.

*Bzov. Vonder Hardt*, T. IV. P. 12.

*Vander Hardt*, T. II. [illegible] Council of *Conſtance*, Vol. I. p. 58.

BUT what Crime did *John Hus* commit? He lay cloſe, and ſnug in his Houſe, and never ſtirr'd out, but in Obedience to the Cardinals. 'Tis true that *he celebrated Maſs* in his Houſe, tho' he was excommunicated. But if his Excommunication was taken off, as has been obſerv'd, the Celebration of Maſs was not a Crime; but on the contrary, a good Action, conſider'd with regard to the Principles of the Council. Suppoſe however that his Excommunication was not taken off, as indeed it is not certain that it was, becauſe this Circumſtance appears only in a Letter from a *Huſſite*, we need only read p. 297. of the firſt Volume of this Hiſtory, to be convinc'd by the Teſtimony of ſeveral Doctors of the Church of *Rome*, that *John Hus* was in Circumſtances which diſpens'd with his Obedience to the Excommunication. But *there he propagated his Errors* as *M. Lenfant* owns. *M. Lenfant* has not own'd any ſuch Thing; what he ſays p. 58, of the firſt Vol. is this. *True it is, that having a Reliance on his Safe-Conduct, and the Pope's Promiſe, he talk'd there with a good deal of Liberty, and maintain'd his Doctrine, both by Converſation, and by his Writings.* But his Doctrine having not yet been try'd by the Council, it was no Crime for him freely to explain himſelf. He came to *Conſtance* for no other End but to maintain, or to retract it; and he cou'd not do either one or the other without ſpeaking of it. It wou'd really be unparallell'd Severity to pretend, that a Man who is ſummoned to give an Account of his Doctrine, ſhall not have the Liberty to expound and maintain it in his Chamber. In a word, to give the odious Name of *Crimes* to Opinions not yet ſo much as condemn'd, is a Term of the Inquiſition which no good Man can reliſh. In the Church of *Rome*, 'tis Obſtinacy that forms the Crime of Hereſy. But when *John Hus* was apprehended, he was not guilty of Obſtinacy, becauſe he had not yet been examin'd, and he ſhew'd himſelf ſo tractable that the Cardinals ſeem'd to be very well ſatisfy'd with the Anſwer he made to them upon the Charge of Hereſy. *John Hus* therefore having not committed any Crime which render'd him unworthy of his Paſſport, and having been arreſted before he was try'd and judg'd, never was any Violation of a Safe-Conduct more notorious than this; ſo that it appears, while theſe Gentlemen are endeavouring at an Apology for this Council, they have given the moſt diſadvantageous Turn to its Conduct, that it could poſſibly receive from the greateſt Rebels againſt the Authority of Councils.

*Vander Hardt*, T. IV. p. 22. Hiſt. of the Council of *Conſtance*, p. 59.

THE beſt Way for them to extricate themſelves out of the Difficulty, was to ſay in naked Terms, *That no Faith ought to be kept with Hereticks*, and they had the Remedy at hand, by communicating to the Publick an Act, in due Form, taken from the MSS. of the Library of *Vienna*, which ſays, that *according to the Laws of God, Nature*

*Nature and Man, no Faith or Promiſe ought to be kept with* John Hus, *to the Prejudice of the Catholick Faith.*

THOSE Gentlemen have thoght fit to call the Authority of this Decree in queſtion on ſundry Pretences, which, I think ought not to be admitted. They ſay that this Decree is not in the Acts of the Council, that is to ſay, in the ſingle Acts that were printed before Dr. *Vonder Hardt* publiſh'd his Collection. But the Acts of a Council, which were not printed for a certain ſpace of Time, becauſe they were not diſcover'd, are as much the Acts of a Council as thoſe which were printed from Originals or Copies that could be recover'd. I do not know that there are any Decrees of the Church of *Rome*, for judging of the Authority of the Acts of Councils as there are for judging of the *Vulgate*, when it has been reviſ'd by ſuch or ſuch Popes. Nor do I think that thoſe Gentlemen would be willing to call the new Acts of the Council of *Conſtance* in queſtion, which have been publiſh'd by the Fathers *Labbe* and *Coſſart*, under Pretence that thoſe Acts were not in the Collections of *Surius*, *Binius* and others. Nor would they care to call in queſtion the whole Procedure of the Council, in the Affair of *John Petit*'s Propoſitions, under Pretence that it did not appear among the Acts of the Council, before it was publiſh'd by Dr. *Dupin* in his fine Edition of *Gerſon*'s Works. But the Decree we are ſpeaking of does not come from a ſuſpicious Hand; for it was found at *Vienna*, among the Acts of the Council, abridg'd by *John Dorre*, a Civilian of Repute, who was preſent at the Council. This Decree not appearing to be an unfiniſh'd Piece, as is pretended by *Meſſieurs de Trevoux*, and carrying no Mark in it to denote that it was only a meer Draught, diffident People might conjecture with equal Reaſon, that they who drew up the Acts, thought fit to ſuppreſs this, for fear it ſhould give any Colour for an odious Accuſation, from which *Meſſieurs de Trevoux* themſelves hope to get clear, and all the *Roman* Catholicks with them, by ſaying, that *ſince the Council of* Conſtance, *it has been the Opinion of all the Catholicks, that Faith ought to be kept with Hereticks.* I do not propoſe to enter into a Diſcuſſion of this Point, for, as one of the great Genius's of our Days has declar'd, *'tis a doubtful Battle; the Aſſailants are capable of raiſing ſpecious Objections, but they who are attack'd oppoſe Diſtinctions, in which 'tis a very difficult Matter to force them.* After all, the Perſon who has furniſh'd *Meſſieurs de Trevoux* with the Memoirs from *Berlin*, makes it his Boaſt that he has heard me ſay a Thing which I never ſaid either to him, be he who he will, or to any body elſe, of which it is proper to acquaint thoſe able Journaliſts, that they may make a better Choice of Correſpondents. *I know* ('tis ſaid in the Article of *February* 1713, p. 362,) *and I have it from himſelf* (M. Lenfant) *that he will acknowledge that the Council of* Conſtance

Bayle's Anſwer to the Queſtions of a Provincial, T. I. p. 50.

ſtance *did not decree, That 'tis lawful to break Faith with Hereticks.* 'Tis proper to let the World know that I have ſaid nothing upon that Head, but what they will find in Vol. I. p. 351, 352, *&c.* of the Hiſtory of the Council of *Conſtance.*

BUT to return to the *Diſtinctions of the Perſons attack'd* upon the Matter in Queſtion, *viz.* Whether or no the Council of *Conſtance* decreed, *That Faith ought not to be kept with Hereticks,* it will not be amiſs, perhaps, to give a Sketch of thoſe *Diſtinctions* in an Anſwer from one of the Doctors of the Council to this Queſtion, *Whether 'tis lawful for any one to grant a Safe-Conduct to a Heretick, in hopes of reclaiming him from his Error; and on a Suppoſition, that without ſuch Paſſport he would not come; and whether upon finding afterwards, that there is no Hopes of reclaiming him, the Safe-Conduct granted to ſuch Heretick ought to be obſerv'd.* This Piece is taken from the MSS. of St. *Paul's* Library at *Leipſic,* which I found by chance as I was turning them over, after *M. Vonder Hardt,* who had thoſe MSS. had with all his Diligence over-look'd them. Tho' there is no Name of the Author to it, yet it has all the Marks of that Century, with regard both to the Writing and Stile, and it muſt have been written in the Council it ſelf. The Anſwer therefore to the Queſtion, as far as I have been able to decipher it, is as follows: I ſhall put down every Article of it in Latin.

PRIMA CONCLUSIO. *Rex poteſt licitè dare uni Hæretico ſalvum Conductum ſub Dominio ſuo, ſub ſpe correctionis ſuæ, formando ſic ſalvum Conductum, quod ſervabit ſub Dominio ſuo ſalvum & ſecurum eundo, manendo & redeundo. i. e.* 'A King may lawfully grant a Safe-Conduct 'to a Heretick, as far as his Dominions extend, in hopes of his 'Amendment, by forming the Safe-Conduct in ſuch a manner that it 'keep him ſafe and ſound in his Dominions, all the Time that he 'goes, ſtays and returns.'

SECUNDA CONCLUSIO. *Rex in prædicto Caſu tenetur ſervare ſalvum Conductum tanquam propriam fidem, ſeu fidelitatem vel juramentum. i. e.* 'A King, in the Caſe abovemention'd, is oblig'd to be as ten-'der of the Preſervation of his Safe-Conduct, as of his Faith, Fi-'delity or Oath.'

TERTIA CONCLUSIO. *Rex in prædicto caſu non obligatur præſervare dictum Hæreticum, cum auctoritate Superiorum ſui, & Superiorum ad ipſum Regem ille Hæreticus veniendo, eundo, aut manendo, poſſit incarcerari, ſi ita meruit & juſtitia poſtulabit, quemadmodum in omni ſalvo Conductu vel Juramento intelligitur, & ſi non exprimitur* (SUPERIORUM AUCTORITATE EXCEPTA) *nec violari fides dicenda eſt, etiam occidendo, dum facit hoc juſtitia. i. e.* 'A King, in the Caſe afore-'ſaid, is not oblig'd to ſave ſuch Heretick, becauſe 'tis poſſible, that 'in going, coming or during his Stay, he may be impriſon'd by Or-

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'der of his Superiors, and of thoſe who are ſuperior to the King 'himſelf, if he has ſo deſerv'd, and Juſtice require it, as is imply'd 'in every Safe-Conduct or Oath, tho' 'tis not expreſs'd (the AUTHORITY OF HIS SUPERIORS EXCEPTED) nor can the Faith be 'ſaid to be violated, even by putting the Perſon to Death, if it be 'by the Hands of Juſtice.'

QUARTA CONCLUSIO. *Rex in prædicto caſu, ſi dederit ſalvum Conductum cum talibus exceptionibus* (ETIAM SI SUPERIOR VELLET EUM INCARCERARE, PROHIBERET HOC ET DEDUCERET, ETIAM SI PER JUSTITIAM CONDEMNATUR AD CARCERES, VEL AD MORTEM) *Salvus iſte Conductus daretur inconſulte & malè. Non eſſet obſervandus in prædictis caſibus, ſed deberet pœnitere Rex, & fateri quod male feciſſet. i. e.* 'If in the Caſe aforeſaid, a King grants a 'Safe-Conduct with ſuch Exceptions (*that when the Superior has a 'Deſign to take him into Cuſtody, he will hinder it, and reclaim him, 'even tho' he is by Law condemn'd to Impriſonment or Death*) ſuch a 'Safe-Conduct would be granted unadviſedly and wickedly, and ſhould 'not be obſerv'd in ſuch Caſes; but the King ought to repent of 'having granted it, and to confeſs that he had done amiſs.

QUINTA CONCLUSIO. *Rex in dando ſalvum Conductum poteſt rationabiliter & ad cautelam non apponere conditiones ſubintellectas de jure quales dictæ ſunt* (SCILICET, SALVA AUCTORITATE SUPERIORUM ET JUSTITIA) *ut facilius ſibi credat prædictus Hæreticus. Mendacium tamen aut promiſſionis expreſſæ fractionem nullo pacto debet committere, ſicut in præcedenti propoſitione notatum eſt. i. e.* 'A King, 'in granting a Safe-Conduct, may reaſonably and prudentially not ex'preſs the Terms of Law, imply'd as abovemention'd, (*viz. Saving 'the Authority of Superiors and Juſtice* to the end that the Heretick 'may the more eaſily confide in him. Yet he ought by no Means 'to tell a Lie, or to break an expreſs Promiſe, as is noted in the fore'going Propoſition.

SEXTA CONCLUSIO. *Rex in terris & rebus verò non habens Superiorem, poteſt dare ſalvum Conductum uni criminoſo, ut puta (reo læſæ Majeſtatis ſuæ) veniendo, manendo, & redeundo; quo caſu non poteſt ſub ſpecie juſtitiæ detinere prædictum criminoſum, vel detineri permittere ſub dominio ſuo, ſuppoſito, quod crimen novum non admiſerit, poſt datum ſalvum Conductum, unde meritò debeat detineri. i. e.* 'But a King, 'who has no Superior over his Lands, nor in his Affairs, may grant a 'Safe-Conduct to a Criminal, as for inſtance (one guilty of High'Treaſon) to come, ſtay and return, in which Caſe he may not, un'der any Pretence of Juſtice, arreſt ſuch Criminal, nor ſuffer him to 'be arreſted in his Dominions, ſuppoſing that after the Safe-Conduct 'was granted, he has not committed any new Crime, whereby he 'deſerv'd to be detain'd.'

I ſhall

I ſhall leave it to the Publick to make their particular Reflections upon this Opinion or Judgment of the Doctor, and ſhall only obſerve in general, that, according to theſe Principles, no Heretick, or Perſon accus'd of Hereſy, can truſt to any Safe-Conduct, becauſe he can get none but what is fallacious. Either ſuch a Safe-Conduct will be granted by an Emperor, a King, a Prince, or Temporal Lord, or elſe it will be granted by the Pope, or by the Council. In either of theſe Caſes no Safe-Conduct can be attended with Security, becauſe in all theſe Caſes there is ſome Superior, real or pretended, whoſe Authority may make the Safe-Conduct void. If it be granted by the Emperor, or a King, *&c.* he has for his Superior the Pope and the Council. If by the Pope, there can be no truſting to his Safe-Conduct; becauſe according to the Councils of *Conſtance* and *Baſil*, according to the Sentiment of the *Gallican* Church, and of the greateſt Part of the *Roman* Catholick Church, the Council is ſuperior to the Pope, and may, by conſequence, diſpenſe with his Obſervation of any Safe-Conduct that he grants to a Heretick. But then the Safe-Conduct of a Council will be ſecure againſt all Contradiction, and its Authority will be irrefragable. Not at all. For as, according to the Pope, according to the See of *Rome*, according to the *Ultramontane* Canon Lawyers and Divines, the Pope is above the Council, and owns no Superior, he may deny the Paſſport of a Council. And indeed, among the Reaſons given by the Proteſtants for not receiving a Safe-Conduct, which they were firſt of all offer'd, at the Council of *Trent*, this was not one of the leaſt, *viz.* that the Council did not promiſe them Security, in the Name of the Pope and the Sacred College, as the Council of *Baſil* had done. Beſides, who could truſt to a Safe-Conduct, in which 'tis allow'd by Prudence or Precaution to ſuppreſs a Clauſe, which if it were expreſs'd, would hinder the Accepting of the Paſſport, *viz. Saving the Authority of Superiors.* That's a manifeſt Rebellion againſt Sincerity; and the Doctor's *Cautela* is a perfect *Decor*, an egregious Sham; 'tis baſely laying Snares in the way of the Perſon impeach'd, and fraudulently reſerving a Pretext to take away his Life, if it be thought expedient. Such *mental Reſervations* are ſo repugnant to the Tranquillity and Security of human Society that they will ever be abhorr'd by all Mankind. The Fathers of the Council of *Trent* acted with more Candor, for they expreſs'd in their Paſſport the very Clauſe which the Council of *Conſtance* Doctor gave leave for ſuppreſſing, *viz.* That the Council granted Security no farther than belong'd to them. Conſequently, the Proteſtants were not over-reach'd by them.

Father *Paul*, p. 142.

Father *Paul*, p. 324.

*They thought the Form of the Paſſport enſnaring*, ſays Father *Paul*, *becauſe of this Reſervation in it*, quoad ſe pertinet, *or* quantum ad ipſam Sanctum Synodum ſpectat; *i. e. as far as appertains to this Sacred Synod*;

*Synod*; and that moreover, it did not appear that any one ask'd more of another, than what he had Power to grant. So that without having Recourſe either to the Decree of the Council of *Conſtance*, diſputed by *Meſſieurs de Trevoux*, or to the anonymous Doctor's private Opinion, one need only read the allow'd Decree, to draw thoſe two Conſequences from it; one, that the Paſſport was violated, becauſe it had not this Clauſe in it, that the Emperor promiſes Security, *as far as is in his Power*, or ſaving the Authority of Superiors; the other, that if this Clauſe was ſuppreſs'd on purpoſe, 'tis a baſe and criminal Fraud, which could have no other View but to violate the Safe-Conduct in Caſe of Neceſſity.

Hiſtory of the Council of *Conſtance*, Vol. I. p. 350.

BUT after all, to return to the controverted Act, I am not at all concern'd in the Diſpute: Having found the Decree in the Acts, whether it has *any Form* or not, whether it be only a Draught, or an Act that was *paſs'd*, I could not, in the Quality of an Hiſtorian, forbear relating it juſt as I found it: I have acted likewiſe, with ſo much Precaution, throughout the whole Affair, that I have not call'd the Execution of *John Hus*, the principal Act of the Violation of the Safe-Conduct, as the *Bohemians* did, and as the Proteſtants do at this Day. What I have chiefly inſiſted on, was the Impriſonment of *John Hus*, which was the firſt and principal Act of the Violation of his Safe-Conduct, becauſe he had not yet been examin'd, and becauſe the Pope having clear'd himſelf, as he did, from having caus'd him to be apprehended, he could not be taken up by any competent Judge, the Council having had but one Aſſembly, and made no Reſolution about him in their firſt Seſſion. Conſequently, the Doctor's Evaſion can be of no Service at all to him, becauſe there appears to be no ſuperior Authority that could cauſe *John Hus* to be arreſted, in ſpite of the Emperor's Paſſport. Nor am I concern'd any more for the Writing juſt now mention'd, than for the Act which thoſe Gentlemen have thought fit to reject. As an Hiſtorian, I have here inſerted it, becauſe it was not come to Hand, when I wrote this Hiſtory. I ſhall do the ſame for the future, and not ſuppreſs any Piece that is proper to be inſerted in a Hiſtory, without any Affectation, either for or againſt the Church of *Rome*, and without aiming to draw any Inference from it in favour of the Proteſtants, to whom this Affair can have no Relation but very indirectly, and by ſuch Conſequences as I have ſtudiouſly avoided to draw. If on the other hand, theſe Gentlemen would not be ſo fond of drawing Inferences againſt them, as they ſo often do, the Commerce of the Republick of Letters would be more profitable and delightful, becauſe it would be more free, and nothing would ſpoil the Pleaſure we take in reading their Journals, the Merit and Uſefulneſs of which are acknowlegd'd, and in improving by their great Diſcoveries in all manner of Subjects.

Hiſtory of the Council of *Conſtance*, p. 38, 39.

FOR Inſtance, they have done me the Favour to give me a Hint, which I ſhould be very glad to improve: 'Tis concerning the Signification of the Term *Scholaſticus*, us'd by *Gregory the Great*, in this Phraſe, *Viſum eſt valdè mihi inconveniens, ut precem, quam Scholaſticus compoſuerat, ſuper oblationem diceremus, & ipſam traditionem quam Redemptor noſter compoſuit ſuper ejus Corpus & Sanguinem taceremus.* I had miſtaken the Word *Scholaſticus* for a Man's Name, and thoſe Gentlemen tell me, p. 2056, that it ſignifies a *polite Writer*. 'Tis true that Cardinal *Bona*, from whom *Meſſieurs de Trevoux* have borrow'd this Remark, without naming him, has very well obſerv'd that this Word is ſometimes us'd to ſignify a Man of Learning, in the ancient Eccleſiaſtical Authors, as well as in prophane Authors: But it does not follow from thence, that it was not many times the Name or Surname of a Man; and the very Paſſage quoted from St. *Jerome*, by the Cardinal *de Bona*, in Confirmation of his Opinion; this Paſſage, I ſay, ſeems to inſinuate that it was ſometimes a Surname or Title, which ſerv'd inſtead of a Name. *Serapion Epiſcopus ob elegantiam ingenii cognomen Scholaſtici meruit. i. e. Serapion* the Biſhop, for the Excellency of his Wit, deſerv'd the Surname of *Scholaſticus*. If I could be ſure that the Author in queſtion was *John* the *Scholaſtick*, as *M. Dupin* calls him, becauſe they who follow'd the Bar were call'd by this Name, I ſhould not have fail'd to have given the ſame Deſignation to the Perſon whom I have the rather choſe to call *Scholaſticus*, while it was ſo uncertain who this Author was. I find too, that I ſhould have run a very great Risk, if, according to the Opinion of Cardinal *Bona*, which is embrac'd by thoſe Gentlemen, I had taken *Gregory the Great*'s *Scholaſticus* for a Man vers'd in the Sciences; becauſe if we do but open the Eccleſiaſtical Gloſſaries and Dictionaries, we ſhall quickly find that this Word has undergone various Acceptations, and that it has ſtood for the Offices which might ſerve as a Surname to thoſe who enjoy'd them. But this is not all; for it appears from Eccleſiaſtical Hiſtory that in thoſe Times the Word *Scholaſticus* was actually become a proper Name: I will inſtance in three Examples of it, two of which are quoted from the Annals of *Baronius*, the other from *Gregory* himſelf. The Annaliſt in the Year 606, Par. 3, makes mention of one *Scholaſticus* an Eunuch, who carry'd away *Conſtantina*, the Widow of the Emperor *Maurice*, with her three Daughters, *&c. Anno Imperii Phocæ quarto, Scholaſticus Eunuchus, vir glorioſus Palatii Conſtantinam Dominam, olim Auguſtam Coniugem Mauritii Imperatoris, cum tribus filiabus ejus arripiens, &c Scholaſticus* does not ſeem in that Place to ſignify a Man of Learning; 'tis certainly a Name or Surname, borrow'd from ſome Office, or owing to ſome other Cauſe, as is plain from the *Greek* Text of *Theophanes*, from whence this Paſſage is quoted. In the Year 713, Par. 3, the Anna-

*Gregorius* L. VIII. *Epiſt.* 64.

*Bona de rebus Liturg.* L. II. C. 2. p. 747.

*Theophan. Chron.* p. 246.

liſt ſays that the Emperor *Anaſtaſius* ſent *Scholaſticus* a Gentleman of his Bed-chamber Exarch into *Italy*. *Mittens eas per Scholaſticum cubicularium quem in Italiam miſit Exarchum.* And a little after he quotes theſe Words from *Anaſtaſius* the Librarian, *Poſt aliquod verò tempus Scholaſticus cubicularius Patricius et Exarcha Italiæ veniens Romam.* No doubt it was a Name which was given to ſuch as ſhone in the *Belles Lettres*, frequented the Bar, or exercis'd any Office to which the Name of *Scholaſticus* was annex'd. This Paſſage of *Anaſtaſius* is in the Article of *Conſtantine* the Pope, in every Line of which we find that the Hiſtorian places the Names of the Perſons whom he treats of, before their Offices; and that conſequently *Scholaſticus* is the Name of him who is mention'd in this Place. But why ſhould not *Scholaſticus* be a Man's Name in St. *Gregory*; for the ſame Doctor in his Dialogues, Lib. II. *Cap.* 2.. tells us of a young Woman nam'd *Scholaſtica*, *Soror namque ejus nomine Scholaſtica*, &c. *Baronius* likewiſe calls this ſame young Woman *Scholaſtica*, upon the Authority of *Paul* the Deacon, *Anno* 664. *Par.* 2;. She was St. *Scholaſtica* Siſter to the Abbat *Benedict* one of the moſt celebrated Saints of the *Romiſh* Church.

Let it be as it will, whether I am miſtaken with Cardinal *Baronius* and *Gregory* the Great, or whether thoſe Gentlemen are miſtaken with Cardinal *Bona*, 'tis a Critical Problem of no great importance; if it were, I ſhould think it an Honour to ſubmit to Perſons of their Rank and Diſtinction in Learning, and with Pleaſure I conſent it ſhould be determin'd in their Favour.

*F I N I S.*

# AN Alphabetical TABLE OF THE CONTENTS of both VOLUMES.

*The* Capital *Numerals ſhew the* Vol. *and the* Small *ones the* Page.

A


*ABBATS*, who were deputed by the Duke of *Burgundy* to the Council I. 392

*Abbats* deputed from *England* II. 411

*Abbreviators* (of the *Roman* Chancery) the Number too great II. 346

A Rule of the Reforming College upon it *ib.*

How they are diſtinguiſh'd by Mr. *Aymon* *ib.*

*Abelard Peter*, takes Part with the Monks againſt the Regular Clergy II. 365

*Abendon*, an *Engliſh* Doctor, his Sermon upon the Reformation I. 521, 522

*Abondi* (*John*) Biſhop of *Coire* joyns with the Cardinals to obtain the Archbiſhoprick of *Riga* II. 128

*Abſent* Cardinals and Prelates call'd to the Council I. 600

*Accidents* (of Bread and Wine) in the Euchariſt are not without their Subject I. 218, 235

This Article of *Wickliff* is condemn'd 218

The tendency of it to the Deſtruction of the World 237

The abſurd Senſe which the Church of *Rome* puts on the Words *This is my Body* 236, 238, 239

*Accuſations*. See *John* XXIII.

*Acolythes*, their Number limited II. 346

*Acts* of the Council of *Conſtance*, ſeveral in divers Countries I. 158 to 160

*Acts* of this Council, printed by Order of the Council of *Baſil* I. 160

*Adimar* (*Alaman*, Cardinal *de Piſa*) ſent by the Emperor to *Benedict* XIII, to compel him to ſubmit to the Council II. 216, 219

His Fulmination againſt that Pope 220, 286

His Death 286

His Memorial about the Reformation 330

*Adulation* of the Pope painted to the Life by *Gerſon* II. 32

*Æneas Sylvius* his Teſtimony to the Conſtancy of *Jerom* of *Prague* I. 593

Choſe Pope by the Name of *Pius* 2d II. 200

His Merit and Works *ib.*

His Inconſtancy after Election *ib.*

*Age* preferr'd for taking Orders 339

*Agout* (*Bertrand de*) Archbiſhop of *Bourdeaux*, choſe Pope by the Name of *Clement* V II. 163

*Ailli* (*Peter* Cardinal of *Cambray*) his Objections againſt the Calling of a General Council I. 5, 6

*Ailli* his Deference to *Gerſon*'s Arguments *ib.*
His Arrival at *Conſtance* 56
Some Particulars about him *ib.*
His Memorial concerning the Union and Reformation of the Church, againſt thoſe of the other Cardinals 72, 74
His Argument againſt the Infallibility of General Councils in the Faith 74
His Sermon upon the Union and Reformation of the Church 79
He pleads for the Superiority of the Council over the Pope *ib.* and 198, 201
He is appointed Commiſſioner in Matters of Faith 174, 179
His Reply to the Patriarch of *Antioch*, who had aſſerted the Superiority of the Pope over the Council 201, 202
His unworthy Cavil againſt *John Hus* 324
The Cenſure he puts upon him 341, 342
His Exhortation to him to retract 351
His Memorial againſt the Propoſitions of *John Petit* 501
He aſſerts that they appertain to the Faith 538
His Treatiſe of the Eccleſiaſtical Power read in full Council 616
His Doubts concerning the Proceedings of the Council 619
And concerning the Pope's Right to the Church Revenues 620
His Opinion of the Fulneſs of the Eccleſiaſtical Power 621
His Quarrel with the *Engliſh* 628
His Harangue in favour of the Cardinals II. 79
He pleads for the electing of a Pope before the Reformation of the Church 79, 105
He varies his Opinion about the Annates 149
He condemns *Grabon*'s Books. *See Grabon*
His Treatiſe upon the Neceſſity of the Reformation 318
His Opinion about the Multiplicity and Variety of the Monaſtick Orders 371
He is for allowing People to work upon Holidays after celebrating the Offices 383
His Candour towards the Jews 387, 388
*Aix la Chapelle*, *Sigiſmond*'s Coronation there I. 62
*Alam* Biſhop of *Sarum*. *See Salisbury*
*Alaman*. *See Adimar*
*Alamand* (*Bernard* Biſhop of *Condom*) his Treatiſe concerning the Reformation of the Church II. 302
*Alban* (St.) an Abbey of *Benedictines*, near *Mentz*, *John de Gomin* its Abbat, his Attendants at the Council II. 410
The ſecularizing of that Abbey 411
*Albert* V. (Duke of *Auſtria*, Son-in-Law to the Emperor) the Arrival of his Ambaſſadors at *Conſtance* I. 57
*Alexander* II. Pope, he forbids the putting of the Jews to Death for their Religion II. 386
*Alexander* III. Pope, his Bull againſt thoſe who violate the Interdict I. 260
His Gift of the Golden Roſe to *Lewis the younger* King of *France* II. 244
His Bull concerning the Manners and Qualifications of the Clergy 326
His Laws in favour of the Jews 386
*Alexander* V. Pope, his Election at the Council of *Piſa* I. 2, II. 307
His Death and Character 308
He takes cogniſance of the Affair of *John Hus* I. 32
His Bull in favour of the Mendicant Friers II. 148
*Alexander* VI. Pope, his Impoſitions on the Clergy II 340

Oppos'd by the Univerſity of *Paris* *ib.*
*Alphonſus* King of *Arragon* ſucceeds *Ferdinand* I. 578
He renounces *Benedict* XIII. II. 49
His Diſputes with *Martin* V. 220, 284
His Union with *Benedict* XIII. 220, 284, 286
He recalls his Ambaſſadors from *Conſtance* 285
He ſends an Embaſſy to *Martin* V, at *Rome* 286
He unites to the Council I. 583
*Alfonſus* (King) his Chronological Tables II. 377
*Alienation* of Churches the Opinion of the *Germans* upon it II. 206
*Martin* Vth's Regulation upon it 212
*All-Saints-Day*, the Origin of that Feſtival I. 20
*All-Souls-Day*, the Riſe of that Feſtival *ib.*
*Altars* portable, what they are II. 279
*Ambroſe* (St.) his Cenſure of Simony II. 349
*Ambroſian* Office or Ritual, the vain Attempt to ſuppreſs it at *Milan* II. 395
*Anaclet* Pope, his forg'd Decretal I. 200
*Andreas* (*John* an *Italian* Doctor of the XIIIth Century) againſt Tranſubſtantiation I. 368
*Angelo* (Cardinal) his Attendance at the Council II. 392
*Anhuſe* (an Abbey in *Swabia*) *William de Lake* the Abbat II. 413
Foundation of it *ib.*
*Anjou* (*Lewis de*) a Competitor with *Ladiſlaus* of *Hungary* I. 2
He is defeated by his Competitor 4
He beats him again *ib.*
He returns to *France* inſtead of improving his Victory *ib.* and 5
*Annates*, ſeveral Aſſemblies of the Deputies of *France* at the Council about them I. 488
A Decree of the King of *France* for ſuppreſſing them 488, 490
A Scheme of the *Gallican* Nation about them 489
A Debate of the Deputies upon it 491 to 500 *See Gerſon*
The Meaning of Annates II. 147
Their Origin *ib.*
The *French* demand the ſuppreſſing of them 148
They have no Privilege nor Law for their Foundation 149, 150
The Diſorders occaſion'd by them 150
The Opinion of the *Germans* upon it 203
A Regulation of *Martin* V. upon it 211
*Annibal* (*Peter*) Governor of *Rome*, ſuſpected to have betray'd that City II 191, 192
Is committed to the Caſtle of St. *Angelo*, where he dies 192
*Anonymous* Tract againſt the Communion in both Kinds I. 259
*Antichriſt*, who he is, according to *Jacobel* I. 275
The Pope, ſo call'd by *John Hus* 441, 442
Anatomy of Antichriſt *ib.*
*Antichriſtianity*, Popes tax'd with it II. 316
*Antioch* (*John* the Patriarch) pleads for the Superiority of the Pope over the Council I. 200
His Apology 201
His Retinue at *Conſtance* II. 392
*Anti-popes*, their Factions I 2
*Antony* (St.) one of the firſt Inſtitutors of the Monaſtick Order II. 364
*Antony* (an Abbey of Hermits of St. *Antony*) *Hugh de Caſtro* the Abbat's Attendance at the Council of *Conſtance* II. 411
Viſitation of it by *Sigiſmond* and *Martin* V. *ib.*
*Aoſta* in *Piedmont* (*Oger de Conſletto* Biſhop of) his Attendance at the Council II. 408

*Aoſta*

*Aoſta* created Biſhop of *Maurienne* in *Savoy* II. 408
*Apoſtiles* (Letters dimiſſory) what they mean I. 359
*Appeals* (from the Court of *Rome*) the Sentiments of the *Germans* upon that Head II. 203, 204. *See Gerſon, Martin* V.
*Aquileja. See Dekk.*
*Aretin (Leonard*, Secretary of *John* XXIII.) his Teſtimony concerning *Chryſolorus* I. 7
His Diſcourſe to *Martin* in favour of the *Florentines* II. 284
His Letters. *See* the Preface to the new Edition xxxix, xl, *&c.*
*Arezzo* (*Francis Peter de Ragazziis* Biſhop of) his Attendance at the Council II. 405
His Character *ib.*
*Arleberg* (a Mountain of *Tirol)* upon which *John* XXIII. is overturn'd I. 18
*Armagnac* (*Bernard* Count *de*) a Proteſt againſt him at the Council II. 82
Hiſtory and Character of that Conſtable of *France* *ib.* 83, 84
He will not conſent to the Treaty of *Montereau* 254, 286
He is murder'd 287
*Arragon* (*Martin* King of) declares for *Benedict* XIII. I. 96
*Arragoneſe* Ambaſſadors Arrival at the Council I. 564, 608
Their Diſputes with the *Engliſh* 625
Their Proteſt upon the Clauſe *during the Vacancy of the Apoſtolical See* II. 41
*Arras* *See Martin Porree*
*Arrival* of ſeveral Prelates at *Conſtance* I. 70
*Articles* imputed to *Wickliff* he muſt not be ſuppoſed to have believed them all, becauſe his Judges ſaid ſo I 231
*Arundel* (*Thomas* Archbiſhop of *Canterbury*) prohibits the Sale of *Wickliff*'s Books I. 215
His ill Reception at *Oxford* 216
*Aſſaſſination* of ſome of the Members of the Council at *Lorrain* I. 458
Of a Prieſt at *Conſtance* 521
Of the Prior of the *Benedictines* of *Lucern* II. 194
Puniſhment of the Aſſaſſin *ib.*
Whether the Corpſe bled when the Murderer was at hand *ib.*
*Aſſemblies* of the Doctors concerning the Order of the Council I. 46
*Aſt* (*Albert* Biſhop of) taken Priſoner by the Count *de Veroue* II. 56
*Aſt* (Biſhoprick in the *Milaneſe*, *Albert* Biſhop) his Attendants at the Council II. 404
His Quarrel with the Duke of *Milan* *ib.*
His Generoſity *ib.*
*Attrition*, the Opinion of the Fathers of the Council concerning a Sinner in that State I. 29
*Auditors* of the *Rota.* A Rule of the Reforming College about them II. 345, 346
Their Number and Retinue at the Council 413
*Auditors* of the Counter-Pleas of the *Rota* II. 346
*Auditors* of the Chamber *ib.*
*Augsbourg* (*Frederick de Grafnec* Biſhop of) his Suit of Law for that See II. 399
Whether he was ever Biſhop of *Brandebourg* 400
*Auguſtus* Emperor, his Honours tranſferr'd to St. *Peter* II. 329
*Auguſtin* (St.) damn'd for having inſtituted Orders and poſſeſſed Eſtates I. 239
This Article of *Wickliff* condemn'd *ib.*
His Doctrine about Predeſtination 335, 336. And the Church 336
His Works curtail'd by the Doctors of *Conſtance* 268
*Avignon* (City) the Reſidence of the Popes I. 2
The See of *Rome* transferr'd hither II. 349

The

The Auditor of the Chamber ſuppreſs'd here *ib.*
*Aurelian* the firſt Emperor that wore the Diadem II. 201
*Auſtria* (*Frederick* Duke of) *John* XXIII. makes him General of the Troops of the Church of *Rome* I. 17
He favours that Pope's Eſcape 127
Follows him in his Flight 129
He is ſummon'd before the Emperor and Council 138 *See Sigiſmond* Emperor
Many of the Eccleſiaſtical Lords declare againſt him 157
Several Places are taken from him 178
His Peace mediated by *Lewis* of *Bavaria* of *Ingoldſtadt* 204
His Reconciliation with the Empeperor 243, 244, 246
His Crimes laid before the Council by *Sigiſmond* 243
He is introduced to the Council by the Burgrave of *Nuremberg* and *Lewis* of *Bavaria* *ib.*
The Burgrave intercedes for him *ib.*
He kneels before the Emperor and receives his Pardon 244
Act of his Submiſſion *ib.*
He accuſes himſelf of a Conſpiracy againſt the Life of the Emperor 383, 384
The Monitory of the Council againſt him 525
He leaves *Conſtance* a ſecond Time I. 568, II. 35
He is again cited II. 35
Declared a Rebel 40
Aſſemblies of the Princes againſt him 216, 217
His Vaſſals conſtrain'd to do Homage to the Emperor *ib.*
He makes his Peace 258
But recover'd his Dominions only by piecemeal 259
He plots againſt the Life of the Emperor 260
His Arrival at *Conſtance* with 500 Perſons 414
*Auſtria* (*Erneſt* Duke of) ſeizes *Tirol* for his own, on pretence of keeping it for his Brother *Frederick* I. 246
*Aymon* (*John*) his Picture of the Court of *Rome*. *See Prothonotaries*, *Abbreviators*, *Correctors of the Apoſtolical Letters*
*Azincourt* Battle won by the *Engliſh* I. 554

B

*BADEN* (*Burchard* Marquis *de*) is corrupted by *John* XXIII I. 18
*Balbinus Bohuſlaus* his Opinion upon the Letters of the Emperor *Sigiſmond* to the *Bohemians* II. 113
*Bamberg* (*Albert* Count *de Wertheim* Biſhop of) his Attendance at the Council II. 408
*Bandello de Bandellis*, Cardinal, dy'd before the Election of *Martin* V. II. 160
*Banditti* (Robbers or Highwaymen) ravage *Bohemia* II. 107
*Bants* Abbey, in the Dioceſe of *Wurtzbourg* (*Eberhardt de Chaumberg* the Abbat) his Attendance at the Council II. 411
The Foundation of the ſaid Abbey *ib.*
*Baptiſm* (Form of) a Reflection upon it II. 195, 196
May be adminiſter'd in a Caſe of Neceſſity, either by Jews or Pagans 197
*Baptiſt* (*John*) typically *Elias*, and *John Baptiſt* perſonally I. 227
*Bar* (*Lewis de*) Cardinal, was not at the Election of *Martin* V. II. 1[illegible]
His Negotiations *ib.*
*Barba* (Wife to *Sigiſmond*) her Character I. 77
*Baſil*, Citizens refuſe to accept of the Duke of *Auſtria*'s Lands for a Mortgage II. 217

They compound with the Emperor for a Sum of Money 218
*Baſil* (Biſhop of) *Imbert de Novo Caſtro* his Attendance at the Council II. 408
He is not mention'd in the Eccleſiaſtical State of *Germany* *ib.*
*Baſnage* (*James*) his Hiſtory of the Jews II. 388
*Baſtards* of Prieſts excluded from Benefices II. 350
An Exception from that Rule *ib.*
*Bavaria* (*Lewis* of, Elector *Palatin*) nominated King of the *Romans* by the Elector of *Treves* I. 3
He was of *Gregory* XIIth's Obedience 100
His Anſwer to that Pope's Letter 101
His Entry into *Conſtance* with his Brother *Otho*, and a great Retinue I. 102, II. 413
He is charg'd by the Emperor with the Cuſtody of *John* XXIII. I. 311
*John Hus* deliver'd into his Cuſtody after being degraded 427, 428
He accompanies him to the Place of Execution 428
The Saying of *Otho-Henry* Elector *Palatin* upon it *ib.*
Another Saying of another Elector *Palatin* upon the ſame *ib.*
He is made Protector of the Council in the Abſence of the Emperor *Sigiſmond* I. 472, II. 54
His Broils with the Emperor 185, 219
*John* XXIII. is diſcharged out of his Cuſtody 198
*Bavaria* (*Lewis* of *Ingoldſtadt*, Ambaſſador from *Charles* VI.) his Arrival at *Conſtance* with a numerous Retinue I. 115, II. 414
He is accuſed of defaming the Duke of *Burgundy* I. 382, 383
He vindicates himſelf 383, 384
He implores the Aſſiſtance of *Martin* V. againſt *Henry de Landſhut* II. 175, 193
His Character 117, 414
His Law-ſuit with *Henry de Landſhut* 117, 118
His irreverent Behaviour to the Emperor II. 118, 140, 141
The Emperor takes the Ducal Cap from him 259
*Lewis* fills *Bavaria* with Maſſacres 292
*Bavaria* (*John* Duke of, Prince *de Sultzbach*) ſends back *Jerome* of *Prague* to *Conſtance* I. 204
*Bavaria* (*Henry* Duke *de Landſhut*) is inſulted by *Lewis* of *Ingolſtadt* II. 141
He wounds *Lewis* mortally *ib.*
His Arrival at *Conſtance* with a great Retinue 414
*Bavaria* (*William* of) his Arrival at *Conſtance* with a great Retinue *ib.*
His Character *ib.*
*Bavaria* (*John* Duke of, Biſhop of *Liege*) *See Liege*
*Bayonne* (an Epiſcopal City) a Competition for that See II. 405
*Beaufort* (*Henry*, Biſhop of *Wincheſter*, Uncle to the King of *England*) his Invitation to the Council by the Emperor II. 143
His Arrival there, in the Habit of a Pilgrim *ib.*
His Negociation at the Council *ib.*
Particulars of his Hiſtory *ib.*
Whether he was made a Cardinal by *Martin* V. 198
His Legateſhip to *Ireland* conteſted *ib.*
*Beauneveu* (*William de*) a Doctor of *Paris* nominated on the part of *France*, in the Affair of *John Petit* I. 378
*Begard*, the Chief of that Sect, calls himſelf the Prophet *Elias* II. 90, 92
He is burnt at *Erford* *ib.*
*Begards*, what ſort of People they were 90, 91
They are ſuſpected at the Council 373
*Beguines* ſuſpected alſo at the Council *ib.*
*Beheaded*, three Men executed at *Prague* for *Huſſitiſm* I. 354

*Benedict* XII. (Pope) his Diviſion of *Chriſtendom* II. 42
The Reaſons for it 50
*Benedict* XIII. (Pope) keeps up the Diviſion in *Spain* I. 2
He ſucceeds *Clement* VII. *ib.*
His Obedience *ib.*
His Hiſtory and Character I. 94, 95
Arrival of his Legates at the Council 99
Their Propoſitions 99, 100
His Proſecution 624, 625
He is requir'd to reſign 408
His clandeſtine Retreat from *Perpignan* 505
His enſnaring Propoſitions to *Sigiſmond* *ib.*
His Return to *Perpignan* *ib.* 518, 539
He refuſes to reſign, and ſecretes himſelf 540
He is beſieged at *Collioure* *ib.*
He retires to *Peniſcola*, where he makes his Apology 541, 542
He is abandon'd by his Cardinals I. 543, II. 215, 216
He excommunicates the King of *Arragon* I. 553
Information drawn up againſt him at the Council 625, 626, 627
He is ſummon'd to the Council 630
He is abandon'd by *Caſtille*, *Arragon*, and *Scotland* II. 6
He is ſummon'd by the Deputies of the Council 67
His Diſcourſe to the Deputies of the Council 7
The Bull of his Citation 46, 47
He is ſummon'd again and again 77
He is depos'd 99, 100
*Benedict* (St.) damn'd for inſtituting Orders and holding Livings I. 230
This Article of *Wickliff* condemn'd *ib.*
His Rule II. 36, 37
*Benedict* (Abbat of *Aniane*) Author of the Monaſtick Code II. 37
*Benedictines* (Black Monks) an Aſſembly of their Chapter during the Council II. 36, 38
Their Origin 38
Their Uſurpations and irregular Lives 37, 38
The Reformation of their Order by a Monk 39, *See Rheinſhauſen*
Two *Benedictines* ſent to *Benedict* XIII. 44
Their Letter to the Cardinal *de Viviers*, concerning their Negociation *ib.*
Call'd by *Benedict* the Ravens of the Council 48
Their Reply to that Sarcaſm *ib.*
Their Return to the Council *ib.*
A Chapter of *Benedictines* at *Mentz* 292
*Benefices* (Eccleſiaſtical) the Sentiment of the *Germans* about the Collation of them II. 202, 203
They ought to be conferr'd by the Ordinaries 315, 316
*Beneficers* (incompatible) *Martin* Vth's Regulation about them II. 214
Plurality of Benefices prohibited 338, 339
*Berengarius* (Dr.) his Recantation was forc'd I. 235
*Berg* (*William* Duke of) his Election to the See of *Paderborn*, tho' he could ſcarce read I. 531
His Preferment to the Archbiſhoprick of *Cologn* by *Gregory* XII, *ib.* and 629
His Reſignation of that Benefice to his Competitor, and his Marriage 532
*Berlin*, the Execution of 38 Jews there for having ſtabb'd a conſecrated Wafer II. 387
*Bernard* (St.) his Character of a true Pope I. 82
He is damn'd for having inſtituted Orders, and for holding Livings 230
This Article of *Wickliff* condemn'd *ib.*
His bold Speech to Pope *Eugene* 338, 521

*Bernard* (St.) his Characters of the Monks II. 365
*Bernardin* (of *Sienna* of the Order of Minor Friers) a famous Preacher II. 282
He preaches againſt *Mainfred* *ib.*
He cauſes the Picture of Jeſus Chriſt to be carry'd in Proceſſions *ib.*
He inſtitutes the Diſtinction between the Minor Friers in Monaſtries, and the *Obſervantines* 283
He forbids Gaming with Cards and Dice *ib.*
*Beſancon* (Biſhop of) *See Rougemont*
*Bethlehem* Chappel at *Prague*, *John Hus* preaches there I. 25
Other *Huſſites* preach'd there afterwards II. 61
*John Hus* and *Jerome* of *Prague* are there declar'd Martyrs I. 506
*Bethſaida* (*Bartholomew* Count of) a Mahometan, his Converſion II. 116
*Birth*-Day of our Saviour, the Date of it II. 378
*Biſhops*, Character of the ancient ones I. 109, 110
They have a Right to condemn Hereſies in their Dioceſes 480
*Biſhops* (titular) the Number of them at *Conſtance* II. 399
*Biſſextile* Year, what it is II. 376
*Blaſphemies* in the Doctrine of the Church of *Rome*, concerning the Euchariſt I. 237, 238
*Body*, this is my Body, *Wickliff*'s Confutation of the Senſe put on thoſe Words by the Church of *Rome* I. 236
*Bohemia*, the State of it at the Time of the Council of *Conſtance* I. 1
The Grandees write to the Emperor for the Liberty of *John Hus* 89, 90
They complain of the Violation of his Safe-Conduct 297, 298
And of his Impriſonment 319, 320
They juſtify him *ib.* 506 to 509
The Troubles in *Bohemia* on Account of the Execution of *John Hus* and *Jerome* of *Prague* I. 506 II. 58 to 63, 107
The Grandees Act of Union I. 509
*Bohemians*, the generality of them embrace *Huſſitiſm* after the Withdrawing of the *Germans* I. 32
They are ſummon'd to the Council II. 107
They refuſe to come *ib.* and 230
Articles drawn up by the Council againſt them 230
*Bologna* (a City in the Territories of the Church) recovers its Liberty I. 553
Shakes off the Yoke of the See of *Rome* II. 280
Returns to the Obedience of that See 284
*Boniface* (the Martyr) his Saying, that tho' the Pope ſhould ſend Men in Shoals to Hell, none but God cou'd call him to an Account I. 201
*Boniface* VIII. (Pope) his Order to the Nuns to keep ſtrictly to their Cloiſters II. 370
*Boniface* XI. Pope, Succeſſor to *Urban* VI. I. 2
He ſides with *Laudiſlaus* King of *Naples* 27
The firſt Eſtabliſher of the Annates II. 147, 302
And of Simony 350
His Character *ib.*
*Boſnia* (*Elizabeth*, Queen of) her Arrival at *Conſtance* with the Emperor I. 77
*Boſon* (King of *Arles*) *See Burgundy*
*Boucicaut* (Marſhal of *France*) beſieges *Benedict* XIII. in *Avignon* I. 96
*Bourbon* (*James de* Count *de la Marche*) marries *Joan* of *Naples* I. 11
Sends his Ambaſſadors to the Council 11, 12
His Wife commits him to Priſon II. 192
She promiſes to ſet him at Liberty *ib.* and 283
He turns Monk and dies *ib.*
*Bourdeaux* (Archbiſhop of) forbids the Admiſſion of the Clergy that were Quæſ-

Quæſtors or Collectors of Alms II. 385
*Brabant* (*John* Duke of) *See Hainault*
*Braccio* (an *Italian* General) takes Poſſeſſion of *Rome* II. 191, 192
*Braccio* (*de Perugia*) a General of *John* XXIII, protects him after he was depos'd II. 284
Is excommunicated by *Martin* V. *ib.*
And excommunicates that Pope in his Turn *ib.*
He makes his Peace *ib.*
*Brancacio* (*Reynald*) Cardinal, he diſmiſſes the Council in the Name of *Martin* V. II. 264
His Negociations and his Hiſtory *ib.*
*Brancacio* (*Thomas*) Cardinal, Nephew of *John* XXIII, his wretched Character II. 396
*Branda* (*de Caſtiglione*) Cardinal *de Placenza* II. 394
His Negociations 395
He expels the *Ciſtertians* from the Monaſtery of St. *Ambroſe* at *Milan* and puts in the *Carthuſians* *ib.*
He runs the Riſque of his Life upon that Account *ib.*
*Brandebourg* (Electorate of) how it fell to the Family of the Burgraves of *Nurembourg* II. 67
The Troubles of that Electorate 70, 73, 74
*Brandebourg*. *See Augsbourg*, *Nuremberg*, *Des Vignoles*
*Bread*. *See Accidents*, *Wafer*
*Breſcia* (*Barthelomew de*, an *Italian* Dr. of the XIIIth Century) oppoſes Tranſubſtantiation I. 368
*Breſlaw*, the Fury of the Citizens againſt their Magiſtrates II. 292, 293
*Bridget* (a *Swediſh* St.) her Canoniſation at the Council I. 106
Her Inſtitute, and Ceremonies of her Canoniſation *ib.* 107
*Britiſh* (Nation and Church) the Extent of both II. 50, 51
*Brixen* in *Tirol* (*Ulric* Biſhop of) his Attendance at the Council II. 375
*Brada* (*Andrew de*, a *Bohemian* Doctor) his Tract againſt *Jacobel* I. 265, &c.
His Depoſition againſt *John Hus* 323
*Brogni* (*John de*, Cardinal *de Viviers*) preſides generally at the Council of *Conſtance* I. 14, 185
His Hiſtory and Character 15
His Entry into *Conſtance* 16
*Brumbach* Abbey in the Dioceſe of *Wirtzbourg* (*John* Abbat of) his Attendance at the Council II. 412
*Brunſwick* (Dukes of) were of the Obedience of *Gregory* XII. I. 615
*Brunſwick* (*Henry* Duke of) his ſhort Hiſtory I. 629
He falls ſick at the Council and dies going home *ib.*
*Brunſwick* (*Rodolph Auguſtus* Duke of) he cauſes the Acts of the Council of *Conſtance* to be collected and printed. *See* the Preface to the firſt Edition Sect. XVIII, &c.
*Brunſwick* (Library of) *See* the Preface Sect. XX.
*Buda* (Council of) forbids the admitting of the Quæſtors or Clergy that collected Alms II. 385
*Bulls* Apoſtolical, Remarks on the Seal of them II. 318
*Bulls* of the Council againſt Robbers and Aſſaſſins I. 427, 458
*Bulls* in Favour of *Gregory* XII. I. 460
*Bulls* for the Safety of *Sigiſmond*'s Journey I. 460, 461
*Burgundy* (*John* Duke of) accus'd of thwarting the Proceedings of the Council of *Conſtance* I. 17
And of favouring the Eſcape of *John* XXIII 203
He makes his Apology *ib.* 379, &c.
Cauſes the Duke of *Orleans* to be aſſaſſinated 372
Is declar'd an Enemy to the Government 376
Makes his Peace *ib.*
Returns to *France* *ib.*
His Letter to the Council to clear himſelf 379, 382

He makes an Apology indirectly for *John Petit* 382
Another of his Letters *ib.*
He vindicates himself from the Charge of having conspir'd against the Emperor 382, 383
His Tyranny over the Parliament and the Univerfity of *Paris* II. 288, 289
*Burgundy* (Kingdom of) reftor'd to the Emperor by *Boſon* King of *Arles* II. 201
The Rights of the Emperor to *Burgundy* *ib.*
*Burſfeld* (St. *Thomas de*) an Abbey of *Benedictines* in the Dioceſe of *Mentz* was a Model to ſeveral others II. 40

C

*CALENDAR* the Errors that have crept into it II. 374
A Propoſition in the Council for reforming it 375, 380
Reviv'd at the Council of *Baſil* 381
Not determin'd at the Council of *Trent* *ib.*
Reformation of it by *Gregory* XIII. *ib.*
*Calixtins*, the *Huſſites* ſo call'd, becauſe they gave the Cup to the Laity II. 240
*Cambray* (*John Liberken* Biſhop of) his Attendance at the Council II. 408
*Camerino* (*Bertrand* Prince of, in *Lombardy*) his Arrival at the Council II. 253
*Canoniſation.* *See Bridget.*
*Canoniſation* of Saints, founded on Concupiſcence and Ignorance I. 234
Commiſſioners appointed for the Canonizing of ſome Saints 469
*Canons* (Apoſtolical) that condemn Simony II. 349
*Canons* (ſecular and regular) their Inſtitution II. 361
*Canons* (ſecular) their Irregularities *ib.*
They are Council to the Biſhops *ib.*
A Regulation of the Reforming College concerning them *ib.*
*Canons* (Prebendary and Capitular) the Diſtinction explain'd II. 362
*Canterbury*, See *Iſlip*, *Langham*, *Sudbury*, *Arundel*
*Capraria*, a City of *Italy* where are many Monks II. 36
*Capua* (*Philip de Barelle*) Archbiſhop of, his Attendance at the Council II. 398
*Cardinal* (*John*, a *Huſſite*, Doctor of *Bohemia*) confounded by miſtake with the Cardinal *John de Brogni* I. 360, 361
While Rector of the Univerſity of *Prague*, he forms the Decree for Communion in both Kinds II. 59
*Cardinals*, how long they have had the ſole Right of chuſing the Popes I. 6
Several Memorials of the Cardinals concerning the Union and Reformation of the Church 70, 72
They were always ſuſpected at the Council 147, 148 to 150
Their Propoſitions in favour of *John* XXIII. after his Eſcape I. 153
More Propoſitions of theirs in favour of the Pope 162, 163
A Propoſal to exclude them from the Aſſemblies that met about the Affairs of *John* XXIII 189, 190
They give in a Memorial againſt it 195, 196
Their Manner of voting in the National Aſſemblies 207
Their Election of the Pope call'd an Invention of the Devil 230
This Article of *Wickliffe* condemn'd *ib.*
A Reflection on them to their Diſadvantage 294
Their Depoſition againſt *John* XXIII. 297
They concert Meaſures for the Emperor's Journey 305, 306
Their Demand that ſome of their College may be deputed to accompany him 306

The Signification of their Red-Hat II. 76
Their fruitleſs Demand of a Safe-Conduct to retire from the Council *ib.*
They have no Power to diſſolve the Council *ib.*
Their frequent Meetings for the Choice of a Pope 78
They diſpute the Emperor's Prerogative to preſcribe in Affairs Eccleſiaſtical 85, 86
They ſtrenuouſly preſs for the Election of a Pope 125, 126
They maintain that a Pope is ſubject to no Preſcription 142
Whether they ought to have a Hand in the Choice of a Pope 144
They oppoſe the ſuppreſſing of the Annates 147, 148
A Proteſt of the *French* againſt their Oppoſition 148, 155
*Cardinals* are not the Pope's Coadjutors II. 151
Their Origin and firſt State *ib.*
Their unjuſt Contempt for Biſhops and other Prelates 152
How many Churches they poſſeſs in *France* *ib.*
They ſtir up the Romiſh Clergy againſt the *French* 153
'Tis not eſſential that the Pope ſhould be choſe out of their College 163
What ought to be their Number, Qualification and Character 202, 209
There ſhou'd be ſome of every Nation *ib.*
And but one of any one Religious Order *ib.*
They ought not to hold Benefices in Commendam 321
*Cards* (Game) ſee *Bernardin*
*Caroline* (Bull or Conſtitution) of *Charles* IV. Emperor, in favour of the Clergy I. 516
Confirm'd by the Council of *Conſtance* 517
Another for the Immunities of the Clergy, confirm'd by the ſame Council II. 56
*Carthuſians* have Leave to enter into other Orders II. 261
*Caſes* in which none but the Pope can grant Abſolution I. 264
The Sentiments of the *Germans* upon that Head II. 204
*Caſes* in which a Pope may be depos'd II. 206, 207
The Silence of *Martin* V. upon that Head 212
*Caſes* (reſerv'd to the Pope and Biſhops). A Regulation of the Reforming College upon that Head II. 342, 343
*Gerſon*'s Sentiment upon it 342
Regulation of the Council of *Trent* about it 343
*Caſſia* (*Simeon de*) an *Italian* Doctor of the XIVth Century, quoted by *John Hus*, to prove the Sovereign Authority of Jeſus Chriſt I. 367
*Caſtille* (Ambaſſadors of) their Arrival at the Council II. 63
Demand ſome Points to be explain'd before they can unite to the Council 64, 65
They under-hand abet *Benedict* 80
*Caſtillians* entire Union with the Council II. 81
They ſummon the Council of *Conſtance* I. 623, II. 85
*Catherine* (St.) her Legend I. 272
*Cauchon* (*Peter*) Doctor of Laws and Deputy from the Duke of *Burgundy* in the Affair of *John Petit* I. 378
*Cauſes* (referable to the Court of *Rome*) Opinion of the *Germans* thereupon II. 203, 204
Regulations of *Martin* V. about them 211
*Cauſes* (major) what they are II. 248, 251
*Cauſes* (Matrimonial) belonging to the Eccleſiaſtical Tribunal II. 373
*Cauſis* (*Michael de*) Parſon at *Prague* and Enemy to *John Hus*, his Hiſtory and Character I. 57, 58. See *Paletz*

*Caſſis* delivers in eight Articles againſt *John Hus*, and ſollicits hard for his Execution 64
His unfair Proceedings in the Examination of *John Hus* 323
*Celeſtin* III. Pope, orders the Reviſal of the Canon of the Maſs II. 382
*Ceremonies* of the publick Seſſions I. 49, 50
*Ceres* (a Pagan Deity) her Honours transferr'd to the Virgin *Mary* II. 329
*Ceſar* (*Julius*) reforms the Calendar 378
Inventor of the Golden Number *ib.*
*Ceſſion* (of the Pontificate) when it began to be debated I. 47
The firſt Form of *John* XXIIId's Ceſſion rejected 113, 114
The ſecond the ſame 114, 115
The third he rejects *ib.*
The fourth he pretends he will accept *ib.*
*Ceuta* (a Town in *Africa*) taken from the Moors by the *Portugueſe* I. 605 II. 224
*Chairs* made uſe of at the Conſecration of the Pope II. 178, 179, 180
*Chair* (of Marble II. 178) Another call'd *Stercoraria* *ib.*
All theſe Chairs aboliſh'd by *Leo* X. *ib.*
*Chalant* (*Anthony de*) Cardinal, ſent by *John* XXIII. to *Sigiſmond* I. 7
*Chamber* (Apoſtolical). *See France*
It only receives for vacant Benefices II. 152
But little from *Italy* *ib.*
*Chancery*, Regulation of the *Roman* Chancery, the Source of Simony, and the Uſurpations of the Popes II. 189
Regulation of the Reforming College about the Officers of the *Romiſh* Chancery 344, *&c.*
*Chaplains* Honorary II. 210
*Chaplains* Domeſtick and Honorary II. 347
*Chapters* (of Canons) to them it belongs to chuſe a Biſhop II. 361, 363
*Charges* (Eccleſiaſtical). A Regulation of the Reforming College about them II 353
*Charles* VI. (King of *France*) his Sickneſs I. 372
He aſſembles a Council at *Paris* in the Affair of *John Petit* 378
He preſſes this Affair at the Council of *Conſtance* 558
He forbids the carrying of any Money to *Rome* II. 147
*Charles* VII. (King of *France*) he paſſes an Edict contrary to the Liberties of of the *Gallican* Church II. 271
*Chartres* (in *Beauſſe*) Peace patch'd up there betwixt the Duke of *Burgundy* and the Family of *Orleans* I. 376
*Chateliers*, an Abbey of the *Ciſtertian* Order, in the Dioceſe of *Poictiers*, (*Francis* Abbat of) his Attendance at the Council II. 411
*Cheſs*, the Repentance of *John Hus* for the Time he ſpent in that Game I. 40
*Chichley*, *Henry*, Archbiſhop of *Canterbury*, defends the Liberties of the *Gallican* Church againſt *Martin* V. II. 290, 291
*Chlum* (*John* Count *de*) a *Bohemian*, accompanies *John Hus* to and at *Conſtance* I. 21
His Affection to *John Hus* 59
He goes with him to the Congregation of Cardinals, to which he was ſummon'd before his Appearance at the Council *ib.*
He ſollicits the Liberty of *John Hus* 64
He writes to *Sigiſmond* to obtain it 75
He publiſhes a Manifeſto againſt detaining him *ib.*
He writes to him for his Opinion about the Communion in both Kinds 284
His Treatiſe upon it 285
He defends *John Hus* at his publick Hearing 323, 356

He undertakes to defend him for a whole Year in *Bohemia*, againſt all the Forces of the Empire 332
His Exhortation to him the laſt Time he ſaw him 409
*Choragi*, who were they II. 364
*Chriſtians* are all authoris'd to aſſemble a Council on the failure of Popes and Princes II. 314
*Chryſolorus* (*Emanuel*) ſent by *John* XXIII. to *Sigiſmond*. His Death and Epitaph I. 184, 185
*Chryſoſtome* (St.) in an imperfect Piece which is aſcrib'd to him, the Hereticks among the Chriſtians are compar'd to the Jewiſh Doctors, who condemn'd Jeſus Chriſt I. 371
He cenſures Simony II. 349
*Church*, the State of it at the Council of *Conſtance* I. 2
Deſcription of the Church 259, 260
Its Authority, according to *Jacobel* 275
Its Corruption II. 299, 300, 322
*Church* (Catholick) repreſented by a General Council I. 109
It may depoſe even a lawful Pope for the ſake of giving Peace to the Church *ib.*
Its Deſcription according to *Gerſon* I. 443. II. 310
According to *Theodoric Vric* I. 322
'Tis the only infallible Church I. 444
*Church* (primitive) its Difference from the Modern Church I. 261, 282, 283
*Church* (*Roman*) is not the Catholick Church I. 196, 443, 444
But the Synagogue of Satan 229
This Article of *Wickliffe* condemn'd *ib.*
The Belief of its Sovereignty over other Churches is not an Article of Faith 230
This Article of *Wickliff* condemn'd *ib.*
The Doctrine of this Church about the Euchariſt, makes God a Liar 237
Deſcription of the Church of *Rome* by *Paul Langlois* 369
*Church* (of *England*) formerly, when any Saint was invok'd in this Church the Words were directly addreſs'd to Jeſus Chriſt I. 234
*Church* (*Greek*) more ancient than the Church of *Rome* II. 151
*Cillei* (*Herman* Count *de*) the Emperor's Father-in-Law, makes his Entry into *Conſtance* I. 57
*Ciſtertians*, Abbat of, *John de Martignac*. His Attendance at the Council II. 412
An Abbey in *Burgundy*, its Foundation *ib.*
*Civil* Affairs ſettled by the Emperor II. 65, 66
*Clemangis* (*Nich. de*) See *the Preface*.
His Letter to the Council I. 393
He is recommended by *Martin* V. to the King of *England* II. 303
His Treatiſe of the Corruption of the Church 339
He oppoſes the multiplying of the Holidays 383
*Clement* III. (Pope) his Equity toward the *Jews* II. 386
*Clement* V. (Pope) impoſes the *Annates* in *England* II. 147
See *Agout*
He forbids the *Monks* to confeſs without Leave of the Pariſh Prieſts 368
His Bull againſt the *Jewiſh* Uſurers 387
*Clement* VI. (Pope) his Fulmination againſt the Flagellants II. 89
His Quarrel with the *Engliſh* about the Annates 147
His Conſtitution about the Regimen of the Cardinals in the Conclave 157
*Clement* VII. a Competitor with *Urban* VI. I. 2
His Impoſitions on the Kingdom of *France* II. 147

*Clementines* null and void according to *Gerſon* II. 311
*Clerks* (of the Apoſtolical Chamber) A Regulation of the Reforming College about them II. 346
Of the Chappel 348
*Clergy*. 'Tis contrary to the Inſtitution of Jeſus Chriſt to enrich the Clergy I. 228
This Article of *Wickliff* condemn'd *ibid.*
*Clergy*. See *Eccleſiaſtics*
*Clifford* (*Richard*) Biſhop of *London* is ſent to the Council I. 624
*Cloyſters*. 'Tis a Sin to found them, and a diabolical Action to enter into them I. 228
This Article of *Wickliff* condemn'd *ibid.*
*Cluny* Abbey of the *Benedictins* in *Burgundy* (*Robert de Chaudeſaul* Abbat of) his Attendance at the Council II. 412
*Cochlæus* (John Dr. of *Breſlaw*) own'd that the Council of *Conſtance* prohibited the keeping of Faith with Hereticks I. 516
*Cochmeiſter* (*Michael*) Grand Maſter of the *Teutonic* Order, his Letter to the Council I. 611
*Code* (*Theodoſian*) its Laws againſt Vagabond Monks II. 364
Againſt the *Jews* 386
*Coire* in the *Griſon's* Country (*Hartman Count de Werdenberg* Biſhop of) his Attendance at the Council II. 406
*Collations*. See *Benefices*
*Colocza* (*Andrew* Archbiſhop of) he is *Sigiſmond's* Commiſſioner at *Conſtance*, and gives the Oath to the Magiſtrates to ſwear the Treaty with *John* XXIII. I. 13
*Cologne*, ſeveral Letters from the Deputies of the Univerſity I. 130
Their Deſcription of the Eſcape of *John* XXIII. 136, 137
*Martin* V. notifies his Election to the Univerſity II. 186. 187
Letter from the Cardinals to that Univerſity, on the ſame Subject 187
*Cologne* (Archbiſhop of) his Conſtitution againſt the Quæſtors, Clergy who collected Alms II. 385
*Colonna* (*Otho de*) Cardinal Deacon choſe Pope by the Name of *Martin* V. II. 164
His Family *ib.*
Their Diſputes with *Boniface* VIII. 165
Difference between *Otho de Colonna* the Cardinal, and *Otho de Colonna* the Pope 267, 268
*Comedy* (ſacred or a moral Lecture) who invented it in *Germany* II. 25
*Comitibus* (*Lucido de*) Cardinal, his Attendance at the Council II. 392
*Commendams*, what they are II. 204, 205
The Opinion of the *Germans* about them *ib.*
Regulations of *Martin* V. concerning them 212
*Commiſſioners* for the Affairs of Faith I. 174, 389 See *Faith*
Why they are renew'd 390
*Commiſſioners* for the Tryal of *John Hus* I. 389
*Communion* (in both Kinds) the Origin of this Affair I. 256, 258
'Tis cenſur'd in the Council 256
The Hiſtory of the Controverſy 258, &c.
The Inconveniencies of the Communion in both Kinds 263
Thoſe Inconveniences ought not to hinder it 276, 279
Deciſion of the Doctors of the Council againſt that Doctrine 356 to 367
*Jacobel's* Anſwer to it 367
The Council's Decree againſt the Communion in both Kinds 385, 386
Reflections on the ſaid Decree 387, 388
*Communion* (of the *Euchariſt*) the Church orders it to be taken Faſting II. 197
And with Leavened Bread 198

*Como*,

*Como*, an Epiſcopal City in the Province of *Aquileja* (*Anthony Turchon* Biſhop of (his Attendance at the Council II. 408
He is depriv'd by the Duke of *Milan* *ib.*
Reſtor'd by the Council of *Conſtance* *ib.*
He retires to *Venice*, and dies there *ib.*
*Conception* (Immaculate of the Virgin) *Gerſon*'s Opinion about it I. 610
*Conceſſions* of certain Emperors and Princes to the Popes feign'd or extorted II. 300
*Conciliariter*, the meaning of that Word II. 268
*Conclave*, the Order and Diſpoſition of it II. 155, 156
The Emperor's Edict for its Security 156
The Regimen of the Cardinals in the Conclave 157
The Keepers of the Conclave 158
The Opening of the Conclave 162
Precautions to keep People out of it *ib.*
Negotiations of the Conclave 163, &c.
*Concordates* of *Martin* V. with the Nations II. 225, 228, 464 to 486
*Concordia*, an Epiſcopal City in the State of *Venice* (*Anth. du Pont* Biſhop of) his Attendance at the Council II. 406
Made Patriarch of *Aquileja* by *Gregory* XII. *ib.*
Depriv'd of that Dignity by *John* XXIII. *ib.*
Made Archbiſhop of *Otranto* at *Conſtance* *ib.*
*Concubinage* of the Prieſts condemn'd II. 327, 359, 360
'Tis a general Diſorder 329
Whether the Communion may be receiv'd from thoſe Prieſts who keep Concubines 360
Officers of the Court of *Rome* forbid to keep Concubines 348
*Confeſſion*, *John Hus* believ'd the Neceſſity of it I. 436
*Confirmation* (a Sacrament of the Church of *Rome*) reſerv'd to the Biſhops through Ambition and Avarice I. 226
This Article of *Wickliff* condemn'd *ib.*
*Confirmation* (of Elections) the ſentiment of the *Germans* upon it II. 202, 203
*Congregations*, ſeveral held after the Pope's Eſcape I. 135 to 157
*Conrad* Archbiſhop of *Prague*, forbids *John Hus* to preach there I. 37
Refuſes Audience to *John Hus* 38
Afterwards juſtifies him before the Nobility of *Bohemia* 89, 90
He afterwards went over to the *Huſſites* 90, 256
He excommunicates *Jacobel* 258
*Conſecration* (of Holy Places) reſerv'd to the Biſhops thro' their Ambition and Avarice I. 226
This Article of *Wickliff* condemned *ib.*
*Conſecration.* See *Martin* V.
Heretofore the Popes perform'd no Function of the Pontificate before their Conſecration II. 176
*Conſecration* (of Churches) to whom it appertains II. 381
*Conſpiracies.* See *Sigiſmund*
*Conſtance* (an imperial City) pitch'd upon for aſſembling the Council I. 7
Whether there was ever any other Council there before *ib.*
The Meaning of the Aſſembly called the *Peace* of *Conſtance* *ib.*
Council held there under *Gebhard* the Archbiſhop of that City 8
*Conſtance* (Council of). See *Council*
Deſcription of the City I. 126
Its wholeſome Air 127
*Conſtance* (Biſhoprick of) *Otho* Count *de Hochberg*, the Biſhop's Attendance at the Council II. 402
*Conſtance*, a Provincial Council there forbids

forbids Fornication to the Priests II. 359
*Conſtantin* (Emperor) his Sin in endowing the Church I. 228
This Article of *Wickliff* condemned *ib.*
*Conſtantin* (the Great Emperor) the Opinion of *John Hus*, concerning his pretended Grant I. 339
*Gerſon*'s Opinion about it II. 32
'Tis ſpurious 300
*Conſtantinople* (the ſixth Council of) did not make a Decree for the Communion in one Kind only II. 196
*Conſtantinople* (*John* Patriarch of) his Arrival at *Conſtance* and Retinue II. 392
*Conſternation* of the Council after the Eſcape of *John* XXIII. I. 135
*Conſtitution.* See *Martin* V.
Several of that Pope's Conſtitutions II. 249, 251
*Contarin* (*John*) choſe Patriarch of *Conſtantinople* I. 601
*Contract.* See *Obligations.*
*Contradiction* of the Fathers I. 279
*Contrition* neceſſary for Saving Confeſſion I. 219
This Article of *Wickliff* condemn'd *ib.*
*Controverſy.* *See* Communion
*Convents*, Enormities committed there II. 254
*Coranda* (*Wenceſlaus* a *Huſſite* Preacher) He aſſiſts *Ziſca* in the Propagation of *Huſſitiſm* II. 58
He rejects the Propoſition of chuſing another King I. 634
*Corario* (*Angelo*, Cardinal). See *Gregory* XII.
*Cornitz* (*Nicholas* Archbiſhop of, in *Hungary*) His Attendance at the Council II. 398
*Corrector* of the Apoſtolical Letters II. 346
*Coſenza* (*Francis de Tomacelle* Archbiſhop of, in the Kingdom of *Naples*) his Attendance at the Council II. 398
*Coſſa Balthaſar* choſe Pope I. 2. *See John* XXIII.
*Council* (Oecumenical) Debates whether ſuch Council is uſeful for the Union and Reformation of the Church. I. 5, 7
Carry'd in the Affirmative 7
'Tis declar'd ſuperior to the Pope 172
By the Council of *Piſa* 176
By the Council of *Conſtance* 177
By *Gerſon* II. 33
Definition of ſuch Council 34
Caſes in which a Council may be aſſembled wirhout the Pope *ib.*
Who has the Right of calling Councils 313
The Neceſſity of frequent calling them 327
Reflections upon thoſe Councils 389
Who have a Right to be preſent at them 34
At what Diſtance of Time General Councils ought ro be aſſembled 131
Their Prerogatives and Authority I. 463, 464. II. 325
*Council* of *Conſtance*, why the opening of it is defer'd I. 19, 20
Again defer'd 21
Several Congregations before the Publick Seſſion 45 to 49
A general Calculation of the Members 83
Continuation of it after the Pope's Eſcape 152, 153
The Members forbid to go away without Leave 407
Silence enjoin'd upon all the Members, the Emperor not excepted, while *John Hus* is depos'd 413
A new Decree of the Council, for the Security of the Members 427
The Decree of this Council for the calling of General Councils, called the perpetual Edict II. 131, 132
Another Decree to prevent Schiſms 132
Another relating to the Confeſſion of

of Faith, to be made by the Pope 133
The talk in *Spain* againſt this Council 220
The Council diſmiſs'd 266
Whether this Council infring'd the Temporalities of Kings I. 460, 461
The Council's Letter to the *Bohemians* and *Moravians* againſt *Hus* and the *Huſſites* 467, 468
Decree of the Council concerning the Safe-Conducts of Hereticks, and that of *John Hus* 514
A Reflection upon it 515
The final Concluſion of the Council II. 277
The Judgment of the *Arragoneſe*, concerning this Council 285, 286
A Body of Canon Law by the Council 335
*Councils* (Provincial) a Regulation of the Reforming College about them *ib.*
*Court* of *Rome*. See *Obligation*
*Courteney* (*William* Biſhop of *London*) *Gregory* XI. ſends a Letter to him againſt *Wickliff* I. 212
When he was made Archbiſhop of *Canterbury* he condemns ſome of *Wickliff*'s Propoſitions, without naming him. 214
*Cracow* (Univerſity of) its Zeal for the Union and Reformation of the Church, and againſt Hereticks I. 612
*Cramaud* (*Simon* Cardinal) his Attendance at the Council II. 396
*Creith* (*John* of *Leige*, the Apoſtolical Abbreviator) is ſuſpended for Simony I. 602
*Creutzlingen* (a City near *Conſtance*) *John* XXIII. confers on the Abbat of St. *Ulric* there the Privilege of wearing the Mitre I. 18
*Creutzlingen* (Abbey of *Benedictins* near *Conſtance*, *Eccard* the Abbat of) his Attendance at the Council II. 411
*John* XXIII. gives him the Mitre *ib.*
*Cropidlo* (*John*) Duke *d'Opelen* in *Sileſia*) he was Biſhop in two Places in *Poland* II. 414
His Adventures and Attendance at the Council 414, 415
*Croſs* (Friers) a Name given to the *Flagellants*, who were alſo call'd *Porte-Croix* or Croſs-Bearers II. 87
*Crown* (Triple) of the Pope, its Origin II. 181
*Crown* (Imperial) the Sentiment of *Æneas Sylvius* about it II. 201
*Cruſade* (of *John* XXIII.) againſt *Ladiſlaus* King of *Naples* I. 4, 458
Of *Martin* V. againſt the Infidels II. 224
*Cuenca* (*Diego de Anaya* Biſhop of) Ambaſſador from *Caſtille* to the Council II. 45
His rough Treatment of an *Engliſh* Ambaſſador at the Council 64
*Cumæ* (in *Campania di Roma Bartholomew* Biſhop of) his Attendance at the Council II. 409
'Tis now no longer a Biſhop's See *ib.*
*Curates*, or Pariſh-prieſts may be admitted to a Council I. 110, 111 II. 34
They are Prelates of the ſecond Order *ib.*
Their Prerogatives defended by *Gerſon* 368
By the Reforming College *ib.*
*Cuſa* (*Nicholas de* Cardinal) his Treatiſe about the Calendar II. 382
*Cuſtom*. See *Truth*
*Cycles* propoſed for regulating the Feaſt of *Eaſter* II. 376
*Cyprian* (St.) is againſt with-holding the Cup from the Laity I. 277
His Enumeration of the Perſecutions of Jeſus Chriſt by the Jews 577

D

*DACHIER (Gebhard)* his Hiſtory of the Council of *Conſtance Preſ.* 19, and I. 85, 92
*Dalmatic*, an Ornament of the Deacons when they read the Goſpel at Maſs I. 77
The Emperors perform'd the ſame Function, and had the ſame Ornament at the Maſſes of the Popes or of their Legates *ib.*
*Damian (Peter)* a Monk, his horrid Picture of the Friers II. 365
*Daniel* (Father, a Jeſuit) his Juſtice, with regard to *Sigiſmond* II. 21
*Deck* (*Lewis de*, Patriarch of *Aquileja*) his Arrival and Attendance at *Conſtance* II. 199, 392
*Decree.* See *Communion in both kinds*
*Decrees*, whether they ſhould be drawn up in the Name of the Council or of the Pope I. 198, 201. See *Council of Conſtance.*
*Decretals* (Letters of the Popes) are Apocryphal I. 229
This Article of *Wickliff* condemn'd *ib.*
*Jacobel*'s Opinion about the Decretals 269
*Decretals* (the *Sextus*) null and void, according to *Gerſon* II. 311
*Defiance*, Cartels of Defiance between the Duke of *Burgundy* and the Dukes of *Orleans* I. 376
*Denmark* (Biſhops of) their Appearance at the Council II. 402, 403
*Dennis* (the pretended *Areopagite*) his Opinion about the Authority of the Fathers I. 279
*Deputies* of ſecular Princes admitted to the Council I. 111
*Derſch (Eckard de* Biſhop of *Wormes)* his Treatiſe concerning the Reformation of the Church II. 302
*Deſerters* of the Council, Penalties enjoyn'd on them I. 174
*Devil, That God owes him Obedience*, an Article falſly charg'd upon *Wickliff* I. 218
He diſowns and deteſts it 219
The ſame Service may happen to be perform'd to a canonis'd Devil, as to a Saint 234
The Deſign of the Devil when he invented the Doctrine of Tranſubſtantiation 239
*Dhona* (*Otho* and *Frederick* Count *de*) complain to the Emperor againſt *William* of *Saxony* II. 66
*Dice* (Game). See *Bernardin.*
Games at Dice prohibited to the Officers of the Court of *Rome* II. 348
*Chriſtmas* Eve ſpent in Dice-playing, even in the Name of Jeſus Chriſt 384
That impious Practice ſeverely prohibited *ib.*
*Dieſte* (*John de*, a Canon of *Cologn*) Envoy at *Conſtance* for the Archbiſhoprick of *Cologn* II. 397
*Difficulties* about the calling of a General Council I 5, 6
*Digreſſion* upon thoſe Words *in its Head and Members* I. 159, 160
*Dinkelſpuel* (*Nicholas*, a Divine of *Vienna*) one of the Ambaſſadors of *Albert* V. his Speech upon the Right of the Emperors to call Councils I. 57
*Direction* of the Intention, the Uſe which *Gerſon* makes of it II. 329
*Diſpenſations* (of the Pope) the *Germans* Opinion of them II. 206
*Martin* V's Regulations about them 213
A Regulation of the Reforming College upon the ſame Affair 338, 339
*Diſputes* of the Nations about Precedency II. 53, 54, *&c.* 64, 78. See *Engliſh*, *French*, *Arragoneſe.*
Between *Denmark* and *Holſtein* 66
Between the Counts *de Schwartzenbourg* *ib.*
Between the Nations and Cardinals 78

Between the *Arragoneſe*, *Caſtillians*, and *Portugueſe* 78
Between the Princes of *Bavaria* 117, 118
*Doctors*, *John* XXIII. is againſt admitting them to the Council I. 110
They ought to be admitted *ib.*
They were admitted to the Council of *Piſa* *ib.*
A Regulation concerning them by the Reforming College II. 348
Bull-Doctors rejected *ib.*
Doctors, ſome with more, others with leſs Attendance 413
*Doctors*, the Degree formerly not taken I. 110
*Dominick* (*John* Cardinal of *Ragufa*) he is the Chief of *Gregory* XIIth's Embaſſy at the Council I. 102
He is ſent to *Bohemia* and *Hungary* to reclaim the *Huſſites* II. 242
He animates the Emperor and Pope againſt them *ib.*
His violent Conduct in *Bohemia* 293
He is oblig'd to retire from thence *ib.*
He dies in *Hungary* 294
*Donat* (St.) his Legend and pretended Miracle I. 272
*Dorre* (*John*) Doctor of the Canon-Law II. 335, and *Prej. to the firſt Edition* 22
*Dreſden* (*Peter de*) ſupports *John Hus* at *Prague*, in the Affair of the three Voices I. 30
He perſuades *Jacobel* to oppoſe the with holding the Cup from the Laity 257, 258
*Dubi* (*Wenceſlaus de*, a *Bohemian* Lord) accompanies *John Hus* to *Conſtance*, and protects him there I. 21, 164, 323
*Du Pin* (*Elias*, Doctor of the *Sorbonne*) his Opinion concerning the Bull of *Martin* V. againſt the *Huſſites* II. 238, 240
*Durand William* (one of the School-Divines) his myſtical Explanation of the Golden Roſe II. 244, 245
*Dyſs* (*Walter*, an *Engliſh* Carmelite) he preaches for Croiſade againſt the Infidels II. 306
Confutes the *Wickliffites* *ib.*
His Poem againſt the Schiſm *ib.*

E

*EARTHQUAKES* nod, the Name given to that which was held againſt *Wickliff* I. 214
*Eccleſiaſticks* ought to have no Temporal Poſſeſſions I. 220
This Article of *Wickliff* condemn'd *ib.*
He who excommunicates a Clergyman becauſe he hath appeal'd to the King, is guilty of Treaſon againſt the King 221
This Article of *Wickliff* condemn'd 222
The Eccleſiaſticks who read the Decretals are Fools 229
This Article of *Wickliff* condemn'd *ib.*
Irregularities of the Eccleſiaſticks generally deteſted 442, 443, 506, 511, 520, 521, 522, 535, 536, 537
*Eclipſe*, a great one of the Sun, at *Prague* and at *Conſtance*, during the publick Trial of *John Hus* I. 323
*Edward* III. King of *England*, a Friend to *Wickliff* I. 212
*Gregory* XI. ſends him a Letter againſt *Wickliff*, but he dy'd before he receiv'd it *ib.*
*Electors* (of the Pope) 6 Prelates of each Nation are added to the Cardinals for electing the Pope II. 146
Articles which they are made to ſwear before they enter the Conclave 157, 158
A Liſt of thoſe Electors 159
Meaſures concerted for the choice of a new Pope I. 329, 330. See *Confirmation*
A Stop put to proceeding in the Election, without the Opinion of the Council I. 403
Publick Prayers for a happy Iſſue of the Election II. 86

The Cardinals, *Italian*, *French*, and *Spaniards* preſs the Choice of a Pope 124
An Order of the Council that the Pope elect ſhall labour for the Reformation, immediately after his Election 142, 145
A Project for the Election of a Pope 144, 146
A Decree thereupon 146
A Decree of the Council for the Security of the Election 161
All Affairs ſuſpended during the Election *ib.*
The Electors enter the Conclave to which they are admitted by the Emperor 162
*Elections* to Benefices, *Martin* Vth's Regulations about them II. 210, 211
*Ellſtrau* (*Nicholas*) Envoy to the Council from the Duke of *Auſtria* II. 334. See *the Preface to the firſt Edition*
*Elwangen*, an Abbey of *Benedictines* in the Dioceſe of *Langres* (*Sigefrid* the Abbat of it) II. 413
Its Foundation *ib.*
*Emanuel* Emperor of the Eaſt. See *Paleologus*.
*Emperors* of the Weſt, whether they have a Right to aſſemble General Councils I. 6, 7, II. 313, 314
They are Advocates and Defenders of the Church II. *ib.*
*Emperors* of the Eaſt. See *Paleologus*, *Emanuel*, *Martin* V.
*End* (*George*, Baron of) condemn'd to perpetual Impriſonment for Robbery I. 600
*England* (Kingdom of) Arrival of its Ambaſſadors at *Conſtance* I. 69, 70, 624
Law of the Parliament againſt the Incroachments of the Popes II. 290, 291
Three Biſhops of *England* at the Council with a Train of 400 Perſons II. 403
*Engliſh* entertain the Emperor with a Comedy II. 25
Their Right to make a Nation in the Council 41, 42, 43
Their Diſputes thereupon with the *French* and *Spaniards* *ib.* and 53, 54
The Arguments of the *Engliſh* 49 to 53
They fall off from the *Germans* to join with the Cardinals 124, 126
Their Concordates with *Martin* V. 227, 483 to 486
Their continual Complaints againſt the Exactions of the Popes from the Time of *John Lackland* to *Henry* VIII. 273
*Epact*, what it is II. 379
*Euchariſt*. See *Accidents*.
Errors concerning the Euchariſt crept in after Satan was let looſe I. 235
*Wickliff*'s Doctrine concerning the Euchariſt 236, 237, 240, 241
*Eugene* IV. Pope, his Impoſitions upon the Clergy II. 340
*Europe*, the State of it during the Council of *Conſtance* I. 1, 2, &c.
At the End of it II. 278 to 296
*Excommunication*, a Prelate ought not to grant it, if he doth not know the Perſon to be already excommunicated by God I. 221
This Article of *Wickliff* condemn'd *ib.*
It ought to be no Bar to Preaching, or the Hearing of God's Word 222
This Article of *Wickliff* condemn'd *ib.*
The Pope's Excommunication not to be valued, becauſe 'tis the Cenſure of Antichriſt 227
This Article of *Wickliff* condemn'd *ib.*
An unjuſt Excommunication is not obligatory I 260
*Gerſon*'s Opinion about it I. 439. II. 305
Cardinal *Zabarella*'s *ib.*



*Peter*

*Peter d'Ailli*'s Excommunication *ib.*
*Examples* given by *Wickliff*, of the figurative Senſe of the ſacramental Words of the Euchariſt I. 237
See *John* the *Baptiſt*.
*Exemptions* of the Church, the Opinion of the *Germans* about them II. 204
*Martin* Vth's Regulation upon it 212
The Abuſe of them 327
They are limited by the Reforming College 340
*Extravagantes* (Decretals) what they are II. 324

F

*FACTIONS.* See *Anti-Popes.*
*Faith* moſt of the *Italian* Cardinals are for regulating the Matters of Faith before others I. 70. II. 331
The Popes cannot be judged unleſs they err in the Faith I. 201
'Tis not contrary to the Light of Nature 232
Aſſemblies of the Commiſſioners in Matters of Faith 384
Commiſſioners appointed in Matters of Faith 389
*Falckenberg* (*John de*) a Popiſh Dominican, his ſeditious Libel againſt the *Poles* is condemn'd by the Deputies of the Nation to be burnt II. 228, 294
His Perſon condemn'd to perpetual Impriſonment *ib.*
His Diſcourſe with Cardinal *de Zabarella* 229
*Martin* V. when a Pope refuſes to condemn that Libel *ib.*
A Remark upon ſuch his Refuſal 267, 268, &c.
He goes to the Council of *Baſil*, and by the way is arreſted 269
He dies upon his Return *ib.*
*Fanatiſm*, how dangerous I. 471
*Fathers.* See *Contradictions.*
*Faſtyjebs*, a *Bohemian* Gentleman, brings *Wickliff*'s Books to *Prague* I. 25
*Feltri* in the State of *Venice* (*Henry Scarampo* Biſhop of) his attendance at the Council, and his Benefices and pretended Sanctity II. 403
*Ferdinand* choſe king of *Arragon* I. 2
He conſents to the Delay of *Sigiſmond*'s Journey 326
He burns his Bull of Excommunication 554
Is accuſed of holding Intelligence with *Benedict* 540
He dies 577, 578
Broils that happened thereupon 606
*Ferrier* (*Vincent*) a Dominican is a Friend to the *Flagellants* II 92, 93, &c.
He publiſhes the Edicts for withdrawing from *Benedict* I. 551
His Character *ib.* and 552
His ſtrenuous Declaration againſt the Manners of the Clergy II. 93, 327
His Authority in *Arragon* *ib.*
A Deputation ſent to him from the Council *ib.* and 94
*Gerſon* writes an Invitation to him *ib.*
But it does not appear that he came 95
*Ferula* put into the Pope's Hands II. 179
*Fida*, a Widow at *Conſtance*, with whom *John Hus* lodged, who calls her another Widow of *Sarepta* I. 21
*Fieſque* (*Lewis de*) Cardinal is ſent to *France* to notify the Election of *Martin* V. II. 182
The Anſwer he received in the King's Name 184
*Fillaſtre William* (Cardinal *de* Saint *Mark*) his Memorial againſt *John* XXIII. I. 108
He is confuted by that Pope's Party 108, 109
Is appointed a Commiſſioner for Matters of Faith 174, 179

*Flagellants* (a Sect of *Fanatiks*) their Hiſtory II. 86, &c.
Their Origin and Devotion with the good and bad Effects it has *ib.*
Their Condemnation and Puniſhment 87, &c.
Their Tenets 88, 89
They are not condemned by the Council 97
A Remark upon that Caution 98
The Continuation of this Sect, even after the Council *ib.*
*Fliſco* (*Lewis de* or Cardinal *de Freſque*) his Attendance at the Council and Negotiations II. 393
*Fliſco* (*James de*) Biſhop of *Genoa* cauſes the Siege of *Nocera* to be raiſed *ib.*
*Florence John* XXIII. his Flight to that City I. 4
*Martin* Vth's Reſidence there II. 280
He erects that Church into a Metropolitan 284
*Foix* (*John Count de*) writes to the Council I. 631
His Marriage with *Blanche* of *Navarre* II. 279
*Foix* (*Peter* Cardinal) his Union with the Council I. 556
His Character and Negotiations *ib.*
*Forgers* who counterfeit the Bulls and Seal of the See of *Rome*, excommunicated by the Bull of *Holy Thurſday* II. 252
A Regulation againſt that Abuſe 355
*Forli* (*Albert de Bon Chriſtianis*, Biſhop of) his Sermon upon *Holy Thurſday* II. 252
*Form.* See *Ceſſion.*
*France* the Method of a General Council agreed to in that Kingdom I. 6
Meaſures concerted there for ſending to the Council of *Conſtance* 14
Arrival of her Ambaſſadors 125
Their Agreement with the Emperor not to diſſolve the Council, and to oblige *John* XXIII. to eſtabliſh Proctors for his Reſignation *ib.*
The Depoſing of *John* XXIII. not approved in that Kingdom 312
*France* a Prey to the great Men in the Reign of *Charles* VI. 372
The Amount of the Revenues of the vacant Cathedrals and Abbies of *France*, according to the Tax of the Apoſtolick Chamber II. 152
*Martin* V. not recognized there at firſt 183
The Liberties of the *Gallican* Church confirmed there 228, 304
The Concordate of *Martin* V. not approved 271
The State of *France* before and after the Council I. 2. II 286
*Franciſcans*, a Rule of theirs II. 369
*Frederic* II. Emperor, confirms the Donation of the *Poles* to the Knights of the *Teutonick* Order I. 247
His Conſtitution in favour of the Clergy 516
*Fregoſe* (*Thomas* Doge of *Genoa*) he protects *John* XXIII. II. 281
*French* (Nation) their Diſputes with the *Engliſh* about their Right of making a Nation in Council, &c.
See *the Annates* II. 41
Their Arguments for excluding the *Engliſh* *ib.*
The *French* more oppreſs'd by the See of *Rome* than any other Nation II. 152
*Friers* (Minor) their ridiculous Diſputes with one another II. 365
They call *John* XXII. Antichriſt *ib.*
Four of them are burnt at *Marſeilles* *ib.*
*Friers* (of common Life) a Society of [illegible] Perſons that will not enter into Convents II. 254. &c.
[illegible] rave againſt that Society *ib.*
*Fribourg* (in the *Brisgaw*) the third Place to which *John* XXIII. retired after his Flight I. 179

*Fulda* (Abbey *John de Merl* ... of) his Attendance at the Council II. 410

G

GAL St. an Abbey in *Switzerland*, *Henry* Baron *de Sandisperg* the Abbat II. 410
His Refignation of the ſaid Abbey and his Character *ib.*
His Books ſent and not reſtored *ib.*
*Gallican* Church the Extent of it II. 43, 50
Its Liberties defended in the Council 148. 149. 184. See *France*, *Martin* V. *Parliament.*
*Gelaſius* (Pope) is againſt the with-holding the Cup from the Laity I. 271
*Gelu* (*James*) See *Tours.*
*Generals* (of Orders) deſert the Council after the Flight of *John* XXIII. I. 184
Are commanded to return *ib.*
Forbad to aſſemble any Chapter during the Year 1415 *ib.*
*Geneva* (*John Bertrand* Biſhop of) accompanies the Emperor to *Nice* I. 457
Is made Archbiſhop of the *Tarantaiſe* II. 407
*Martin* Vth's Arrival there 278
*Genoa* (*Pileo Marini* Archbiſhop of) His Speech for the ſuppreſſing of the Schiſm II. 307
*Gentian* (Benedict) a Doctor of *Paris* and a Monk of St. *Denis*, his Memorial againſt the Flight of *John* XXIII. I. 130
Whether he wrote the Hiſtory of *Charles* VI. which goes under the Name of the Monk of Saint *Denis* 160
He is attack'd in *Lorain* 458
*Germany* its State at the Time of the Council of *Conſtance* I. 1
*Germanic* (Nation) their vigorous Memorial againſt *John* XXIII. I. 116
They aſſemble to renew the Regulations touching the Order of the Council 288, 289
The Character imputed to that Nation *ib.*
Another Memorial of that Nation not to be too precipitant in the Choice of a Pope II. 126, 127
The Extent of the *German* Nation 126
The Nation clears it ſelf from the Charge of Hereſy *ib.*
Are obliged to conſent to the Election before the Reformation 129
Their Memorial to *Martin* V touching the Reformation 190, 202 to 206
Their Concordates with *Martin* V 225, 464, to 475
Apology for their Nation againſt *Jerome* of *Prague* I. 586
*Gerſon* (*John*) eſtabliſhes the Neceſſity of a General Council I. 5
He arrives at the Council 115
He is looked upon as the Soul of it 116
His Labours for the Union and the Reformation *ib.*
He preaches a Sermon for the Superiority of the Council after the Pope's Eſcape 138, 139
An Extract of it 139. 140
His Reproaches of *Jerome* of *Prague* 301
His Severity againſt *John Hus* 326
His Diſcourſe made upon the Emperor's Journey 462, 463
His Book of the Trial of Spirits 469, to 472
His Memorials againſt the Propoſitions of *John Petit* 477
Anonymous Letter againſt him 475
His Anſwer to *John de Roche* 479, to 481
His Defence againſt a Charge of Hereſy *ib.* and 482. 488
His Tract againſt Simony 528, to 531
His Speech in the Aſſemblies of *Pa-*

*ris* againſt the Doctrine of *John Petit* 377
His Sermon to the Council for confirming the Decrees of the Vth Seſſion II. 10
Other of his Tracts againſt the Doctrine of *John Petit* II. 13, 26, 27
His Treatiſe of the Authority of the Church and the Council 26, 27
His Tract againſt the *Flagellants* 95 to 97
His Treatiſe againſt the Communion in both Kinds 107 to 112
His Complaint of the lukewarm Proceedings of the Council againſt the ſeditious Doctrine of *John Petit* 229, 230
His Proof of the Lawfulneſs of appealing from the Judgment of the Pope 246 to 249
His Condemnation of *Grabon*'s Book. See *Grabon*
His Baniſhment and Death 276
His Sermon at *Rheims* for the Reformation of the Church 304, 305
His Tract concerning the Reformation of the Church 309 to 318
His Devotion for St. *Joſeph* 384
He is not for the Multiplication of Holidays *ib.*
*Girdle* given to the Pope, as a Note of Chaſtity II. 179
*Gneſna* (*Nicholas Kurouski*, Archbiſhop of) had a great many Votes in the Conclave for creating him ſovereign Pontiff I. 186, II. 163
He is confirm'd Primate of *Poland* by the Council II.
His Diſcourſe to the Emperor for the Reformation 333
*Godegrand*, the Inſtitutor of the Regular Canons II. 361
*Gonſague* (*John Francis*, Marquis *de*) Protector of *John* XXIII. I. 9
*Gooſe* in the *Bohemian* is *Hus* I. 30
Several Alluſions to that Term *ib.* and 165
*Goths* (*Sigebuth* King of) perſecutes the Jews II. 386
*Grabon* (*Matthew*) a *Dominican* of *Saxony*, his Tract againſt the Friers of common Life II. 255
He is oblig'd to retract it 258
His Work condemn'd to the Flames by the Cardinal of *Cambray* and by *Gerſon* 257
*Grado* (*John* Patriarch *de*) his Arrival at *Conſtance*, and Retinue II. 392
*Greeks* their Advances towards a Union with the *Latin* Church II. 221, *&c.*
Their Embaſſy to the Council 222
The Archbiſhop of *Kiow* chief of the Embaſſy *ib.*
Their good Reception there *ib.*
Succeſs of the Embaſſy *ib.*
Their Excommunication by the Bull of *Holy Thurſday* 252
Their Embaſſy to *Martin* V. at *Florence* 281
*Gregory* (of *Nazianzen*) his advantageous Character of the Monks of his Time II. 364
*Gregory* (*the Great*) a Fable concerning that Pope plucking the Soul of *Gratian* out of Hell by his Prayers I. 224
He is againſt the With-holding the Cup from the Laity 262. See *Servant*.
He is the firſt that prohibited the Marriage of Prieſts II. 359
He revokes that Declaration 360
His Regulations concerning Monks and Monaſteries 368
He forbids the Perſecution of the Jews 386
*Gregory* III. (Pope) his Alteration in the Canon of the Maſs II. 382
*Gregory* IX. (Pope) his Confirmation of the Grant of the *Poles* to the Knights of the *Teutonick* Order I. 247
His Permiſſion to the *Dominican* Friers, and the *Mendicants* to confeſs and preach II. 368
*Gregory* X. (Pope) his Conſtitution about the Regimen of the Cardinals in the Conclave II. 157

*Gregory* XI. (Pope) his Letters to *England* againſt *Wickliff* I. 212
His Fulmination againſt the *Flagellants* II. 89
*Gregory* XII. Succeſſor to Pope *Innocent* VII. I. 2
His Obedience 3
He cauſes his Legates to put up his Arms at *Conſtance* 55
The Honours paid there to his Legates 94
His Hiſtory and Character 97, 98
His Letter to the Elector *Palatin* 100
His Legates offer his Reſignation by a Memorial 102, 103
The Confutation of that Memorial by *John* XXIII. 104
He writes to the Council his Offer of Reſignation 250
He convokes the Council of *Conſtance* 400
His Bulls are read in Council *ib.* and 401
The Act of his Convocation approv'd by the Council 401
Remarks upon that Act *ib.*
Several Decrees in his Favour 403, *&c.*
His Act of Reſignation read by *Malateſta* 405
His Letter approving the ſaid Act *ib.*
His Advancement to the Dignity of a Cardinal, Biſhop and Legate of the Marquiſate of *Ancona*, where he dies *ib.* 460, II. 192
His Epitaph II. 193
*Gregory* XIII. (Pope) See *Calendar*
*Groot* or *Le Grand* (*Gerard de Deventer*, Doctor of *Paris*) inſtitutes the Society of Friers of common Life II. 255

H

*HAGUENAU* Edition of the Acts of the Council of *Conſtance* there I. 160, 162
*Hainault* (*William* Count *de*) dies without Male-Iſſue II. 262
*Jacqueline* Counteſs of *Hainault* his Niece, takes Poſſeſſion of his Dominions *ib.*
Is courted by her Couſin-German the Duke of *Brabant* *ib.*
Obtains a Diſpenſation from *Martin* V. to marry him *ib.*
The Pope recalls the Diſpenſation and afterwards confirms it *ib.*
The Reproaches caſt on him for it by *Sigiſmond* 263
*Hales* (*Alexander de*) a School-Divine of the XIIIth Century, an Inconveniency which he ſuggeſts in the Communion of both Kinds I. 366
*Hannibal* (*Peter Stephaneski de*) Cardinal his Attendance at the Council II. 393, 394
His Negociations *ib.*
*Harfleur* (a Port of *Normandy*) taken by the *Engliſh* I. 554
*Head.* See *Reformation of the Church.*
*Heidelberg* (Univerſity of) its Foundation II. 188
The Pope acquaints them of his Election *ib.*
The Cardinals do the ſame *ib.*
*Heilsbron* (an Abbey of the *Ciſtertians* in the Dioceſe of *Bamberg*, *Arnold* Abbat of) II. 413
Foundation of the ſaid Abbey *ib.*
*Henry* II. (Emperor) his Edict againſt Simony II. 350
*Henry* III (Emperor) convokes an Aſſembly of Princes to *Conſtance*, where three Popes are degraded I. 7
He drives all the Strolers and Whores out of the City 8
Enjoins the *Romans* not to aſſemble a General Council without the Conſent of the Emperors *ib.*
*Henry* IV. (Emperor) aſſembles a Council in *Breſſe* to put an end to the Schiſm I. 75
*Henry* V. (King of *England*) his Letter to the *Engliſh* Biſhops at the Council, exhorting them to live in perfect Union II. 106
His Conquests in *France* 28

*Hereſy*, Popes can only be try'd for Hereſy I. 209
Schiſm is indirect Hereſy *ib.*
And ſo is Simony *ib.*
Hereſy ought not to be ſubject to any Puniſhment 448
*Heretieks*, the Unlawfulneſs of pleading for them I. 65
All manner of Evidence admitted againſt them *ib.*
Marks by which they may be known 280 to 282
A Decree of the Council concerning their Safe-Conducts, and that of *John Hus* 514
Declaration of the Council that no Faith is to be kept with 'em 514, 515
Excommunicated by the Bull of *Holy Thurſday* II. 252
*Herodians*, the *Ultramontane* Divines ſo call'd by *Peter d'Ailli* I. 616
*Heſſe* (*Henry de*) Divinity-Profeſſor, eſtabliſhes the Prerogative of the Emperors to call General Councils I. 7
His Treatiſe concerning the Reformation and Union of the Church II. 302
His Complaint of the Multitude of Feſtivals 383
His Equity towards the Jews 387, 388
*Hockberg* (*Otho* Count *de*) Biſhop of *Conſtance* notifies to *John Hus*, on the part of *John* XXIII. that he may be as free as he will there I. 43
*Hoffman* (*John*) *Sileſian* Rector of the Univerſity of *Prague*, retires from that Univerſity and is made Divinity-Profeſſor at *Leipſick* I. 31, 32
He is choſe Biſhop of *Meiſſen* *ib.*
He makes an Apology at *Conſtance* for the Excommunication of *John Hus* *ib.*
He wrote againſt the *Huſſites* *ib.*
*Holam* or *Alam* (*Robert*). See *Saliſbury*.
*Honorius* III. (Pope) confirms the Donation of the *Poles* to the Knights of the *Teutonick* Order I. 247
*Horſe* (the Popes) a Diſpute which ſhall have it I. 19
*Hungary*, the State of it at the Time of the Council of *Conſtance* I. 1
*Hus* (*John*) his Arrival at *Conſtance* I. 21
His Birth, Studies, Talents and Learning 21 to 25
His Credit at the Univerſity *ib.*
Whether he at firſt deteſted the Books of *Wickliff* 25, 26
He preaches againſt the Indulgencies of *Boniface* IX. 27
His Treatiſe againſt the Impoſtures and ſham Miracles of the Prieſts about the Blood of Jeſus Chriſt *ib.*
His Sermons 28, 29
When his Doctrine began to make a Noiſe 29
His Declaration for the Neutrality, with regard to the Rival Popes *ib.*
His Summons to *Rome*, and firſt Appearance there only by Proctors 33
His Proxies are abus'd there *ib.*
His Excommunication and Appeal to Jeſus Chriſt *ib.* and 34
He preaches ſeveral Times notwithſtanding his Excommunication 35, 36
He retires to *Huſſinetz*, the Place of his Birth 37
His Summons and Journey to the Council 38, 40
The publick Advertiſements and Letters which he wrote before he went *ib.* to 40
His Conferences with the Clergy by the Way 41, 42
His Notification of his Arrival at *Conſtance* to the Pope 43
*John* XXIII. promiſes him Protection, and takes off his Excommunication *ib.*

He is hindered from preaching at *Conſtance* *ib.*
An Extract of his intended Sermons 43, to 45
His Exaggerations relating to the Virgin *Mary* 45
He ſings Maſs every Day at *Conſtance* in ſpite of his Excommunication 58
He is obliged to appear before the Cardinals *ib.*
His Converſation with a Monk upon that Occaſion 59, 60
His Impriſonment for the firſt Time 60, 61
His Removal to the Priſon of the *Dominicans* 61
The Pope grants him Commiſſioners 65
He demands Council, but is denied *ib.*
He compoſes ſeveral Tracts in his Priſon 66 to 69
He there teaches the Doctrine of Tranſubſtantiation 69, 284
He has new Commiſſioners appointed for his Trial 69
He refuſes to fly from *Conſtance* 91
He is removed to the Priſon of the *Franciſcans* *ib.* and 118
To the Fortreſs of *Gotlieben* 164, 218
From thence he writes to his Protectors the Nobility of *Bohemia* 164
Vain Attempts to oblige him to recant 164, 351, 352, &c. 396 to 399, 408
He demands a publick Hearing 164
He is not the Author of the Reſtoration of the Cup in *Bohemia* 280, &c.
The Evidence of *Nicholas*, Biſhop of *Nazareth*, in his Favour 319
More Attempts to oblige him to recant 320, 321, &c.
He is allowed a publick Hearing 322
The Confuſion and Tumult which attended it 323
He is allowed a ſecond publick Hearing *ib.* to 334
He therein defends the Doctrine of Tranſubſtantiation 286
He is allowed a third publick Hearing 334 to 336
He vindicates himſelf in the Affair of the three Men beheaded at *Prague* 354
He is ſhewed a Form of Abjuration which he refuſes 357
A vain Attempt to remove his Scruples 358, 359
Proofs of his Conſtancy taken from his Letters 361
'Tis falſe that he ever retracted 362 to 365
Sentence of the Council in Caſe of his retracting 363
His Books are condemned to the Flames 397, 422
A Confeſſor is allowed him 399, 428, 436
He has ſome glimmering Hopes of a Reprieve from Death 412
He is brought back to the Council to be degraded *ib.* 425
He is made to ſtay at the Church-door during Maſs *ib.*
He has thirty Articles read to his Charge 420, 425
He is forbid to ſpeak *ib.*
But does not mind it *ib.* 426
His indirect Reproach of *Sigiſmund* 422
Sentence of Degradation paſs'd upon him 424
He prays to God to forgive his Judges 425
The Ceremonies and Circumſtances of his Degradation 425, 426
His Remarks upon every Formality of it *ib.*
He is delivered over to the ſecular Arm 426
The Elector *Palatin* and the other Princes attend him with great Ceremony 428
As he goes along he ſees his Books burnt, and ſmiles *ib.*
He harangues the People *ib.*

He

He is faſten'd to a Stake to be burnt 429
His Conſtancy and Piety before and during Execution *ib.* 430
Particulars of it *ib.* 431
The true Cauſes of his Condemnation 431, 432, 434
An Abſtract of his Doctrine 431, 434
A Recapitulation of his Doctrine *ib.* 447, *&c.*
His Apology *ib.*
His Dream 446
Whether he ſet up for a Prophet 447, 448
Medals ſtruck upon his Account 448, *&c.*
Character of his Letters 450
*Huſſinetz* (*Nicholas de*) a zealous Advocate for *John Hus* and *Huſſitiſm* II. 58
He is accuſed of aiming at Regal Power *ib.*
He chuſes *M. Tabor* for aſſembling the *Huſſites* 59
He propoſes to them to elect a King *ib.*
He is threaten'd by *Wenceſlaus* with hanging 242
*Huſſites* Commiſſioners appointed by the Council againſt them I. 517
They are ſummoned to the Council 562, 607, 608
Two ſorts of them II. 240
Letters from the Pope to the Grandees of *Bohemia*, againſt the *Huſſites* 241
They take Arms for Defence of their Religion 242
*Martin* V. does not mention them in the Bull of *Holy-Thurſday* 252
*Huſſitiſm* abjur'd II. 260

I

*JACOBEL.* See *Miſe.*
*Jagellon.* See *Ladiſlaus.*
*Jaqueline.* See *Hainault.*
*Idolatrous*, the Church of *Rome* more ſo than the *Pagans* I. 238
*Idolatry* of the Church of *Rome*, in the Point of the Euchariſt *ib.* 240
*Idols*, the Pope and Clergy idolized by the Laity I. 537
*Jerome* (St.) falſify'd by *Broda* I. 273, 274
He forbids the Nuns to take Money of thoſe who take the Veil II. 309
*Jerome* (of *Prague*, a *Bohemian* Doctor, a Monk of *Camaldoli*) writes againſt the *Huſſites* I. 165
*Jerome* (of *Prague* a *Bohemian* Doctor, the *Huſſite*) arrives at *Conſtance* *ib.*
His Hiſtory and Character *ib.* 166
Violence done to him at *Prague* *ib.*
He retires from *Conſtance* 167
His vain Suit to the Emperor for a Safe-Conduct *ib.*
He is ſtopp'd returning to *Bohemia* 203
Brought back to *Conſtance* 204
Is heard 300, 301, 462
His Elegy 507
His Recantation 510 to 514
His Apology for it 522
Is recommitted to Priſon *ib.*
His Commiſſioners not liked by his Enemies *ib.*
Others are appointed to try him 523, 572
He is heard again 572, 577, 583 to 586
He diſowns his Recantation 586, 589
He reviles the *German* Nation 586
Sentence is paſſed upon him 587, 590, *&c.*
His pretended Prophecy 589
His Conſtancy and Piety to the very laſt 591, 592, *&c.*
*Jeſſenitz* (*John de*) *Huſſite*, his *Factum* for *John Hus* I. 440
*Jeſus Chriſt* did not beg I. 610
*Jews* do Homage to *Martin* V. II. 182

Are Excommunicated by the Bull of *Holy Thurſday* II. 252
Cruelly treated by the Chriſtians 386 to 389
Baniſh'd out of *Germany*, *England*, *France*, *Bohemia* and *Poland* 386, 387
Crimes imputed to the *Jews* 387
Regulation of the Reforming College about them 388
*Image* Worſhip, Opinions of *John Hus*, *Gerſon* and *Luther* about it I. 435, 436
And of *Henry* of *Heſſe* 437
*Impanation*, what it is I. 240
*Wickliff* oppoſes that Doctrine *ib.*
*Inconveniencies*. See *Communion* in both Kinds.
*Indulgencies*, the Folly of placing any Faith in them I. 230
This Article of *Wickliff* condemn'd *ib.*
The Opinion of *John Hus* about them 438
The Council's Opinion about them *ib.*
Regulations of *Martin* V. about them II. 214, 227
And of the Reforming College 385
*Infallibility* of the Church deny'd by *Jacobel* I. 271
It does not belong either to the Pope or the Church of *Rome* 444 but only to the Catholich Church *ib.*
*Infallibility* (of the Pope and St. *Peter*) oppoſed by *Peter d'Ailli* II. 320
*Infidels*, whether the *Chriſtians* may make War upon them for Religion I. 248, 249
Whether the Eſtates of the *Infidels* rightly belong to the *Chriſtians ib.*
*Ingelſtat*. See (*Bavaria Lewis de*)
*Innocent* II. (*Pope*) makes the Cardinals Electors of the Popes II. 151
*Innocent* III. (*Pope*) his Bull in favour of Tranſubſtantiation I. 218
His Sermon upon the *Golden Roſe* II. 244
His Bull againſt Elections by the Abuſe of the ſecular Powers 326
His Bull againſt the *Jewiſh* Uſurers 387
*Innocent* IV. (*Pope*) gives the Cardinals the Red Hat II. 151
*Innocent* VII. (*Pope*) ſucceeds *Boniface* IX. I. 2
He refuſes to reſign 96
*Innocent* VIII. (*Pope*) his Impoſitions on the Clergy II. 340
Oppoſed by the Univerſity of *Paris ib.*
*Interceſſors*, the great Folly of applying to any but Jeſus Chriſt I. 234
*Intermediates* (or the Revenues ariſing during the Vacancy of *Benefices*) the Opinion of the *Germans* about them II. 205, 206
Regulation of *Martin* V. about them 212
*Inveſtitures* granted by the Emperor at *Conſtance* II. 67
*Invocation* (of *Saints*) oppoſed by *Wickliff* I. 233, 234. See *Saints*.
*Joan* (*Pope*) *John Hus* affirms that Fact without being contradicted I. 340
*Joan* II. (*de Duras*) ſucceeds *Ladiſlaus* in the Kingdom of *Naples* I. 11, 12.
Marries *James de Bourbon*, Count *de la Marche ib.*
Takes Poſſeſſion of *Rome* by her Generals I. 46, II. 191
Sends to do Homage to *Martin* V. II. *ib.*
*Martin* V. promiſes her the Inveſtiture of the Kingdom of *Naples*, and cauſes her to be crown'd II. 192, 283
She ſends Embaſſadors to the Council I. 527, 610
*John* (St.) Reflections upon the 53d verſe of the 6th Chapter of his Goſpel II. 197
*John* XII. (*Pope*) depoſed for his Miſbehaviour II. 314
*John* XXII. (*Pope*) impoſes the Annates on Pretence of a Voyage

to the *Holy Land* II. 147 to 150
Author of the Extravagantes 324
His Regulations touching the Court of *Rome* 326
He declares againſt the Friers Minors 365
He is depoſed by the Emperor *Lewis* of *Bavaria* as a Heretick *ib.*
*John* XXIII. (Pope) his Obedience I. 2, 3
He enters *Rome* with the Aſſiſtance of *Lewis* of *Anjou* I. 4
He is expelled by *Ladiſlaus*, and flies to *Florence* *ib.*
He has Recourſe to *Sigiſmond* *ib.*
He aſſembles a Council at *Rome* which is of no effect 5
He treats with *Sigiſmond* about the calling of another Council *ib.*
With this View *Sigiſmond* ſends Embaſſadors to him 6
The Conflicts of his Mind after the Death of *Ladiſlaus* 12
He reſolves at laſt to go to *Conſtance* *ib.*
His ſecret Treaty with the Duke of *Auſtria* 17
His ſad Forebodings before his Arrival at *Conſtance* 18
Ceremonies of his Entrance into that City 19
Reciprocal Preſents betwixt the Pope and the City *ib.*
He declares the Council of *Conſtance* to be a Continuation of the Council of *Piſa* 20, 70
He ſummons *John Hus* to the Court of *Rome* 32, 33
He canoniſes St. *Bridget* 105, 106
He is againſt admitting the Laity and Doctors to the Council 109
Enormous Articles laid to his Charge 112, 113, 122
His Perplexity *ib*
An unanimous Propoſal made to him to reſign *ib.* 122
He ſeems to accept it with Joy *ib.*
He ſwears to do it at the ſecond Seſſions 118
He gives the Bull of his Abdication 120
He refuſes to appoint Proctors for his Reſignation 121, 124
He gave the *Golden Roſe* to *Sigiſmond* 122
He goes out of *Conſtance* in the Habit of a Groom 129
He writes an Apologetic Letter to *France* 142 to 145
Makes Propoſitions from *Schaffhauſen*, touching his Reſignation 150, 151
He goes from thence to *Lauffenbourg* 154
The Council forbids him to remove the Court of *Rome* and his Officers out of *Conſtance* 172
He is declared degraded from the Pontificate, if he puts off his Reſignation 173
He flies to *Fribourg* 179
He ſends more reaſonable Propoſals from thence than before 180
The Act of Reſignation is ſent to him, drawn up by the Commiſſioners 186
Two Commiſſioners are appointed him out of each Nation to make the Reſignation for him in concert with thoſe of his own Nomination 187
He flies to *Briſac* 203
He flies to *Newenbourg* *ib.*
He returns to *Fribourg*, where he finds the Legates of the Council 206
He practiſes Simony in that City *ib.*
He truſts his Proxy with *Berthold des Urſins* *ib.*
'Tis rejected by the Council 207
He is ſummon'd with his Adherents 208, 249
Safe-Conducts ſent to them in the Name of the Council and the Emperor 208
He is declar'd a Heretick, and in what Senſe 208, 209

He is accuſed of denying the Immortality of the Soul 209
The Act of his Citation 241
Troops are ſent to *Fribourg* to bring him back 246
Commiſſioners are appointed to hear Evidence againſt him 249 to 252
He is declar'd contumacious 251
He is ſuſpended 252
Reaſons for it *ib. &c.* 255, 256
He is declar'd a Heretick and Schiſmatick 255, 287
Articles of his Accuſation 290 to 294
He is brought back to *Ratolfcell* where he is guarded by the Prelates 296, 297
He acquieſces in his Suſpenſion 300
Some of the Articles of his Accuſation ſuppreſs'd 302
His Letters to the Emperor 304, *&c.*
He is depos'd by Sentence of the Council 306 to 308
He acquieſces in it 309
He is remov'd half a League from *Conſtance* to the ſame Priſon as *John Hus* 310
From thence to *Heidelberg* 311
His being depos'd is notify'd to all *Europe* 312
He conſpires as he goes away againſt the Life of the Emperor 383
The Wealth he boaſted to have amaſs'd II. 150
He redeems his Liberty of the Elector *Palatin* 281
He goes to *Genoa* *ib.*
His Death *ib.*
He had no right to aſſemble the Council, nor to preſide there 313
*John* (*Lack-Lane*) King of *England*, renders this Kingdom tributary to the See of *Rome* I. 211. II. 273
*Joſeph* (St.) *Gerſon*'s Zeal for him I. 610
*Joſſe* (Marquis of *Moravia*) is elected King of the *Romans*, without his Knowledge I. 3
*Iſle* (*James de le*) Cardinal, is made Governor of *Rome*, in the Abſence of *John* XXIII. I. 12, 46
His Hiſtory *ib.*
He makes himſelf Maſter of *Rome* 46. II. 191, 192
He was not at *Martin*'s Election II. 160
*Iſlip* (*Simon de*) Archbiſhop of *Canterbury*, a Friend to *Wickliff* I. 210
*Italians*, this Nation has more Prelates at the Council than all the others together I. 3
*Julius* (*Rainauld* Duke of) congratulates the Pope on his Election II. 185
He bleſſes himſelf for being of the *Colonna* Family *ib.*
*Julius* II. (Pope) gives the *Golden-Roſe* to *Henry* VIII. II. 245
*Juriſdiction*, whether the Clergy are ſubject to that of the Laity II. 56
*Juriſdiction* (Eccleſiaſtical and Civil) diſtinguiſh'd II. 356, 357
*Juſtice*, the Pope ought not to ſtop the Courſe of it II. 339, 340
*Juſtinian* (Emperor) his Decrees about the Monks and Convents II. 365

K

*KEMPTON* (Abbey of *Benedictines* in *Swabia*) *Frederick de Lowenberg* the Abbat II. 413
Foundation of it *ib.*
*Keys* put into the Hands of the Pope II. 179
*Kinds* (both). See *Communion.*
*Knights* (of the *Teutonick* Order) their Quarrels with the *Poles* I. 1, 246 to 249
They are beat ſeveral times by the *Poles* *ib.*
Their Quarrels with the *Poles* laid before the Council 558, 559. See *Voladimir.*

L

*LADISLAUS* (of *Hungary*) a Competitor with *Lewis* of *Anjou*, for the Kingdom of *Naples* I. 2
His Victory over *Lewis* of *Anjou* 4
His Defeat *ib.*
His Excommunication by *John* XXIII. *ib.*
His ſcandalous Peace with that Pope *ib.*
His Entrance into *Rome*, and Expulſion of the Pope *ib.*
He attempts to beſiege him at *Bologna* 9
His Death *ib.*
Divers Opinions about it *ib.*
His Character 9, 10
Difficulties about his Will 11, 12
*Ladiſlaus* (*Jagellon*) King of *Poland*, writes to all Chriſtendom againſt the *Teutonick* Order I. 247
His Application againſt them to the Council 248
His Letter to a Baron of *Bohemia* *ib.*
His Letter to the Council I. 519, II. 58
His third Marriage with the Daughter of his Godmother II. 57
His Diſpenſation for it from the Council, on Condition that he never marry again 58
Yet he marries a fourth Time *ib.*
His Converſion of the *Samogitians* 223
He obtains ſeveral Privileges from the Popes, by way of Recompence *ib.* 224
His Letter to *Martin* V. complaining of the Denial of Juſtice upon the *Teutonick* Knights, and upon *Falkenberg* 269, 270
*Lancaſter*, a Friend to *Wickliff* I. 211
*Land* (Holy) Voyages thither, a Pretext for the Annates II. 147
*Lando* (*Francis de*) Cardinal, his Attendance at the Council II 392
*Landſhut*. See *Bavaria*, *Henry de*.
*Langenheim* Abbey in the Dioceſe of *Bamberg* (*Nicholas Heindenreick* Abbat of it II. 413
*Langham* (*Simon* a Monk, Archbiſhop of *Canterbury*) turns *Wickliff* out of his College and puts in a Monk I. 210
*Laſcaris* (*Andrew*, Biſhop Elect of *Poſen*) Ambaſſador from the King of *Poland* to the Council I. 115, II. 224
He harangues both the Emperor and the Pope I. 115
*Latran* (Council) its Decree againſt Hereticks is approv'd at the Council of *Conſtance* I. 217
Its Decree againſt Eccleſiaſtical Elections by the Secular Powers II. 352
Its Bull *Omnis utriuſque*, injoining all Men to confeſs to their own Pariſh Prieſt 368
Its Prohibition to expoſe Relicks out of the Churches 384
Its Decree againſt the Queſtors or Collectors of Alms 385
*Latran* (IId and IVth Councils) forbid Prieſts to keep Concubines or to marry II. 359
*Latzembock* (*Henry* Count *de*) he accompanies *John Hus* to *Conſtance* I. 21
Carries the Pope the News of *Sigiſmond*'s Coronation at *Aix la Chapelle* 62
He abjures *Huſſitiſm* 606
*Laude* (*Dominick de*) abjures *Huſſitiſm* II. 260
His Books condemn'd *ib.*
*Lauffenberg*, *John* XXIII. retires thither after his Flight I. 154
He ſends a Bull from thence to *Conſtance* 168, 169
He is attended there by moſt of his Prelates and Officers *ib.*
*Law* (Canon new) oppos'd to the ancient Diſcipline II. 300
*Laws* (Sumptuary) renew'd at the Council I. 631

*Lay* Biſhops many at that Time I. 531
*Lebus* (Biſhoprick in the middle Marquiſate of *Brandeburg*) *John* IV. *de Biſſenitz*, the Biſhop, his Attendance at the Council II. 404
*Legates* (of *Gregory* XII.) their Arrival the Cauſe of the Broils at the Council I. 55
They cauſe their Maſter's Arms to be put up at *Conſtance* *ib.*
*John* XXIII. takes Snuff at it *ib.*
*Legends* (of the Saints) what Uſe *Jacobel* makes of them I. 272
*Leipſick* Univerſity founded on the Ruins of that of *Prague* I. 31
*Leo* III. (Pope) ſubmits to the Judgment of *Lewis Debounaire* I. 202
*Leo* X. (Pope) gives the *Golden-Roſe* to *Henry* VIII. II. 245
*Lerins* (alias the Iſle of St. *Honorat*) inhabited by Monks in the Time of St. *Auſtin* II. 36
*Letters* reciprocal of *John* XXII. and *Sigiſmond*, about the latter's Coronation I. 62, 63
*Lettors* from the Council to all Chriſtendom in Juſtification of their Conduct to *John* XXIII. I. 180 to 184
*Letters* (Apoſtolical) their ſpeedy Execution injoin'd by *Martin* V. II. 261
*Libels* defamatory againſt the Council prohibited I. 189. II. 56
*Liberties* (of the Church). See *Gallican*, *France*.
*Liege* (*John* Duke of *Bavaria*, the Biſhop elect) reſigns that Biſhoprick to *Martin* V. II. 262, 263
*Sigiſmond* declares him Count of *Hainault* *ib.*
*Life* (common). See *Friers*.
*Lignitz* (*Lewis* Duke of) his Voyage to the *Holy-Land* II. 72
His Marriages *ib.*
His Regale of the Emperor *ib.*
Particulars of it *ib.*
The *Huſſites* ravage his Country *ib.*
He returns to the Council 253
His Attendance there 414
*Linus* (*Aloyſius*, Aſtronomer of *Rome*) employ'd by *Gregory* XII. to reform the Calendar II. 381
*Liſt* (of the Members of the Council) an Advertiſement about it II. 415, 416
*Litomiſſel* (*John de Bucca* of *Prague*, Biſhop) accuſes the *Bohemians* in Council I. 256, 287
His Character *ib.*
He pleads his Cauſe againſt the Grandees of *Bohemia* 294 to 296
He is ſent to *Prague* without Succeſs to pacify the Troubles there 536
Some Particulars concerning his Hiſtory II. 397
*Lodi* (*James* Biſhop) his Sermon at the Depoſing of *John Hus* I. 413.
See *the Liſt of the Biſhops*.
His Sermon before the Election of the Pope II. 156, 157
His Funeral Elogy of *Landolph de Maramaur* I. 520
His Sermon at the Condemnation of *Jerome* of *Prague* 587 to 589
He is refuted by *Jerome* of *Prague* 589
*Lollards*, a Branch of the *Wickliffites*, they make a great Noiſe in *England* II. 240
*Lombardy* (Kingdom of) united to the Empire II. 201
*Loup* (St. *Loup de Troyes* in *Champaigne*, *John de Caſtello* the Abbat) his Attendance at the Council II. 412
*Lubeck*, Quarrels of that City with its Magiſtrates II. 66
*Lubeck* (*John de Dalmene* the Biſhop) his Attendance at the Council II. 428
*Lucern* (Burghers of) their Quarrels with the *Benedictines* there II. 194
See *Aſſaſſination*.
*Lucca* (Biſhops of) their Privileges II. 398
*Lucius* (Pope) excommunicates thoſe who differ in Opinion from the Church of *Rome* about the Euchariſt I. 218

*Luna* (*Peter de*) Cardinal. See *Benedict* XIII.
How he received the Deputies of the Council II. 6, 7
He is excommunicated by the Bull of *Holy Thurſday* 252
*Luther* (*Martin*) had an Abhorrence of *John Hus*'s Books at firſt Sight I. 26, 27
Whether *John Hus* predicted his Reformation 447
His Medallic Hiſtory 448
*Lutterworth* (*Wickliff* Parſon of that Place where he died) I. 214
*Luxembourg* (Dutcheſs of) *Niece* to the Emperor, Dowager of *Anthony* of *Brabant*, granted in Marriage to *John* of *Bavaria* II. 262. See *Liege*.
*Lyons* (Archbiſhoprick) See *Sens*.

M

*MAIMBOURG* (*Lewis*) a Jeſuit confuted with regard to *John Hus* I. 41, 42
and to *Sigiſmond*'s ſafe-Conduct 86, 87
He makes a ſcandalous Parallel betwixt St. *Peter* and *John* XXIII. 310
Is corrected with regard to *Sigiſmond* II. 15, 16
*Mainfred*, a Dominican of *Verceil* in *Savoy*, his Prophecies II. 282
He inſtitutes the Order of Penitence *ib.*
*Mainfred* (*de la Croix*) See *Milan*.
*Maiſon-neuve* (*Menerd de*) a *Bohemian* Nobleman, his Advice to *Sigiſmond* II. 113
*Malateſta* (*Charles* Lord of *Rimini*) always protected *Gregory* XII. I. 58
Is appointed a Commiſſioner for his Reſignation 250
His Arrival at *Conſtance* 393
The Lords of *Malateſta* make their Apology in Council 538
*Malateſta* (*Pandalph*) his Quarrel with the Duke of *Milan* II. 280
*Maldonicvitz* (*Peter* a *Huſſite* Notary) he defends *John Hus* at the Council I. 322, 323
*Malo* (St. in *Bretagne*, *Robert* the Biſhop) his Attendance at the Council II. 402
*Manners* (of the Clergy) Regulations of the reforming Clergy thereupon II. 359
*Manuel* (Embaſſador of the Emperor. See *Paleologus*.
*Maramaur* (*Landulph*) Cardinal his Arrival at *Conſtance* I. 49
His Negotiations *ib.*
His Death 520
*Margaret* (St.) her Legend I. 272
*Marin* confounded with *Martin* II. 187
*Marle* (*Henry de*) Chancellor of *France* will not conſent to the Treaty of *Montereau* II. 254
*Marriage* (of Prieſts) prohibited by the Church of *Rome* II. 198
*Marriages* between the *Greeks* and *Latins* II. 223
Preferable to their Whoredoms 327
*Martin*, How many Popes have been called by that Name II. 164
*Martin* V. (*Pope*) his Dignity and Employments before he was Pope II. 165
His Character 166
His Letter to *Ladiſlaus Jagellon*, with regard to the Marriage of *Frederic* II. of *Brandebourg*, to a Princeſs of *Poland* *ib.*
He pretends that the Burgraves of *Brandebourg*, are of the *Colonna* Family 167
The Emperor falls proſtrate before him 173
Remarks upon his profound Submiſſion 174
His inthroniſation *ib.*
Deſcription of that Ceremony *ib.* and 175
He is made Deacon, Prieſt and Biſhop *ib.*
His Conſecration, with the Particulars

culars of that Ceremony 175 to 181
Sermon of an *Arragoneſe* Doctor upon that Occaſion 177
Ceremony of his Coronation 181
He gives his Benediction to the *Jews* 183
Notifies his Election all over *Europe* *ib.*
To the Univerſity of *Cologn* 185
To that of *Heidelberg* 188
To the Kings of *England* and *Scotland* *ib.*
He cauſes the Rules of the *Roman* Chancery to be drawn up the very Day after his Election 189
He promiſes to labour for the Reformation 190
He ſwears to the Confeſſion made by *Boniface* VIII. 194. See *Confeſſion of Faith.*
His Recognition and Coronation of *Sigiſmond* King of the *Romans* 200
He preſents a Scheme of Reformation to the Deputies of the Nations 209 to 214
His Letter to the Emperors of the *Eaſt* 222
The Embaſſy from thoſe Emperors to *Martin* V. *ib.*
His Bull againſt the *Huſſites* 234
The Superiority of General Councils confirmed in that Bull 238
He takes the ſame Courſe as other Popes after his Election 243
His Conſtitution againſt Appeals from the Pope's Sentence 245
His Declaration that he has comply'd with the Decrees for Reformation 250
A Reflection upon it 251
His Bull for diſmiſſing the Council 266
He repeals the Liberties of the *Gallican* Church 271
His Grant to *Sigiſmond* of a Year's Tenths upon the Clergy of *Germany* 271, 272
The Churches of *Germany* oppoſe it *ib.*
He does not obſerve his Concordate with the *Engliſh* 273
He ſets out for *Italy*, notwithſtanding the Emperor's Inſtances 274
The Ceremony of his Departure 275
His Route 276
His Conduct at *Geneva* 278, 279
At *Milan*, *Mantua* and *Florence* 280, 281
The Inſult put upon him by the *Florentines* *ib.*
His Reconciliation with them 284
He is for revoking the Statute of *Premunire*, made by the Parliament of *England* 290, 291
*Martyrdom*, the Zeal for it cool'd II. 197
*Martyrs*, *John Hus* and *Jerome* of *Prague* declared ſuch I. 506
*Maſs*, it cannot be proved that 'twas inſtituted by Jeſus Chriſt I. 218
This Article of *Wickliff* condemned *ib.*
The Prieſts ought never to celebrate it, becauſe as they explain it, 'tis blaſphemous 237
Several Parts and Forms of the Maſs explained II. 207, 208
*Maſs* (Canon) who were the Authors of it II. 382
The Variation in it 382, 383. See *Gregory* III. *Celeſtin* III.
*Maſſacre* of ſeveral Prelates and great Lords at *Paris* I. 517
*Matthias* (*de Lanaw*) called the *Pariſian* (Parſon of *Prague*) he preaches and adminiſters the Communion in both Kinds, and recants I. 257
His Character *ib.*
*Maurice* (Divinity-Profeſſor at *Prague*, an Adverſary of *John Hus*) preaches as ſtrenuouſly againſt the Diſorders of the Clergy, as *John Hus* II. 75, 76

His

His Treatiſe againſt *Jacobel* 195 to 198
*Maurienne* (St. *John de*, in *Savoy*, *Amadeus* Biſhop of) his Attendance at the Council II. 402
*Maximilian* (Emperor) finds Fault with the Excommunication of *John Hus* I. 450
*Mazovia* (*Conrad* Duke of) his Pretenſions upon *Pruſſia* I 247
*Mecklenburg* (*Albert* Duke of) his Arrival at *Conſtance* and Retinue II. 414
*Medals.* See *John Hus.*
*Medicis* (*Catherine* a Queen of *France*) demands the Abolition of the Decree prohibiting Faith to be kept with Hereticks I. 516
*Medicis* (*Coſmo de*) protects *John* XXIII. II. 281
*Member.* See *Reformation of the Church.*
*Memorials*, ſeveral concerning the Union and Reformation of the Church I. 70 *&c.*
Of Cardinals devoted to the Pope *ib.*
Of other Cardinals 72
Of the Cardinal of *Cambray* *ib.*
Againſt *John* XXIII. ſuppreſs'd 113
*Mentz* (*John* II. of *Naſſau*, Archbiſhop of) is in the Intereſt of *John* XXIII. I. 18, 122
His Arrival at the Council 115
Appears in the Habit of a Soldier *ib.*
He ſends his Apology to the Council 209, 210, 602
He receives the Inveſtiture of the Electorate of *Mentz* II. 35
He unites the Princes of the *Rhine* together 291, 292
His Death *ib.*
*Merit* (of Works) believ'd by *John Hus* I. 436
*Metz* (*Raoul de Courci*, Biſhop of) his Attendance at the Council II. 405
He is made Biſhop of *Noyon* *ib.*
*Meurs* (*Thierri de*) is made Archbiſhop of *Cologn* I. 531
His Competitorſhip for that Archbiſhoprick with *William* Duke of *Berg* 629
*Middleton* (*Richard de*) an *Engliſh* School-Divine of the XIIIth Century, deteſts thoſe who held that Jeſus Chriſt is only typically preſent in the Euchariſt I. 218
He authorizes the with-holding the Cup from the Laity 366
*Milan* (*Mainfred de la Croix*) Ambaſſador from the Duke of *Milan* I. 115
He does Homage in his Maſter's Name to *Sigiſmond* for the *Milanese* *ib.* II. 217
His Speech I. 115
*Milan* (*Philip-Mary* Duke of) his Treaty with *Sigiſmond* II. 217
Conditions of it *ib.*
His Conqueſts over the *Genoeſe* *ib.*
His Treachery to the Governor of *Lodi* 218
He cuts off the Head of his Wife *Beatrix Lodi* *ib.*
His Obligations to her *ib.*
*Milan* (Capital of the *Milaneſe*) put under an Interdict by the Council of *Conſtance* II. 404
*Minderow*, or *Augia Minor*, an Abbey of the Order of *Premonſtrants* in *Suabia* (*Gueintmig* Abbot of) his Attendance at the Council II. 412
*Minor* (Friers *Franciſcan*) Regulation about them I. 513. See *Bernardines.*
*Miſe* (*James de*) or *Jacobel*, ſtands by *John Hus* at *Prague*, in the Affair of the three Voices I. 30
He preaches up the Communion in both Kinds, and oppoſes the with-holding of the Cup I. 257, 258
His Tracts upon that Subject *ib. &c.*
His Anſwer to ſeveral Treatiſes againſt him 265 to 279
He confutes the Deciſions of the Doctors

Doctors of the Council upon that Head 367 to 372
His Invective againſt the Church and Court of *Rome* 370, 371
His Invective againſt the Council of *Conſtance* *ib.*
His Books condemn'd to the Flames II. 234
His Doctrine about the Euchariſt explain'd 232, 234
*Monaſteries* (of Women) places of Debauchery II. 305
*Monks (Mendicant)* diſturb the Univerſity of *Oxford* I. 270
Are all Hereticks 222
This Article of *Wickliff* condemn'd *ib.*
They who give Alms are *ipſo facto* excommunicated 224
*Wickliff* treats them as Hereticks 222, 237
Exemptions of Monks an Abuſe 521
Regulation of the Reforming College about them II. 364 to 371
They are forbid to be alone 367
Their Uſurpations on the Rights of the Ordinaries *ib.*
*Montaign (Gerard,* Biſhop of *Paris)* aſſembles a Council there againſt the Doctrine of *John Petit* I. 376, 377
*Montereau* (a City of *France*) the Peace of *Montereau* diſturb'd by the *Armagnacs* II. 254
*Montfort* (*Rodolph* Count *de*) holds the Bridle of the Pope's Horſe as he enter'd into *Conſtance* I. 19
*Montpellier* (Council of) its Rule againſt the Quæſtors II. 385
*Moons* (new) how they are counted II. 378
*Morimond* Abbey, in the Duchy of *Bar* (*John de Bretagne* the Abbat) his Attendance at the Council II. 411
*Morin (Jordan,* Doctor of *Paris)* was nominated on the part of *France* in the Affair of *John Petit* I. 378
*Moroſini* (*Peter*) Cardinal-Deacon, was not at the Election of *Martin V* II. 160
His Negociations 283
His Death *ib.*
*Mulbrunn* (Abbey of *Ciſtertians* in the Diocele of *Spire*, *Albert de Ottesheim* the Abbat) his Attendance at the Council II. 412
Foundation of that Abbey *ib.*
*Munſter* (*Theodorick d.*) Deputy of the Univerſity of *Cologn*, harangues *John* XXIII. I. 130
His Sermon upon the Reformation 559, 560
*Munſterberg* (*John Otho de*) a *Sileſian*, was the firſt Rector of the Univerſity of *Leipſick* I. 31
*Muſk* preſented to the Pope to repreſent the Fragrancy of good Works II. 179

## N

*NAMES*, Inſtances of illuſtrious Perſons who bore the Names of their Towns and Villages I. 22, 23
*Naples.* See *Ladiſlaus* of *Hungary*
*Narbonne* (*Francis de Conſier*, Archbiſhop of) his Letter to the Cardinals of the Council I. 543, 544
*Narbonne*, Capitulation there in twelve Articles I. 548 to 551
The Obſervation of it ſworn in full Council 552, 553
*Naſo* (a *German* Doctor) he was one of *John Hus*'s Accuſers at his publick Hearing I. 231
An Accuſer alſo of *Jerome* of *Prague* 522
He accuſes the four Cardinals, who were *Jerome*'s Commiſſioners, of Partiality *ib.*
As Preſident of the *German* Nation, he preſſes the Affair of the Reformation 535
His Fury againſt Hereticks *ib.*
*Naſſau* (*John* II. Archbiſhop of *Mentz*) See *Mentz*.

*Nations*, they vote in Council by Nations and not by Perſons I. 111, 112
The Diviſion of the Council at firſt into four Nations only 112
The Order obſerv'd among them *ib.*
Frequent Diviſions among them 124, 125
Their Reſolution to continue the Council after the Withdrawing of the Pope 152
Every Nation wanted a Pope of its own Country II. 163
But the *Germans* and the *Engliſh*, for Peace-ſake, give up their Claim 164
The *French* and *Spaniards* refuſe to do it *ib.*
All the Nations of the Council diſgusted with *Martin* V. 273
*Navarre* (*Charles* King of) Arrival of his Deputies at the Council I. 631
Great Quarrel about it among the Nations *ib.*
*Nazareth* (*Nicholas* Biſhop of) gives *John Hus* the Character of Orthodoxy I. 38
*Neceſſity* (abſolute Neceſſity) the cauſe of every Thing I. 226
This Article of *Wickliff* condemn'd *ib.*
*Nellenbourg* (*Everhard* Count *de*) a Counſellor of the Emperor, was at the Conference of *Lodi* I. 16
His Arrival at *Conſtance* *ib.*
He is Protector of the Council in the Abſence of the Elector *Palatine* 534, 603
*Nenningen* (*Anſelm de*) a Competitor with *Grafenec*, for the Biſhoprick of *Augsbourg* II. 399. See *Augsbourg*.
*Nice* (a City of *Provence*) *Sigiſmond* promiſes to go thither to confer with the King of *Arragon* I. 118
The firſt *Nicene* Council, its Rule about the Celebration of *Eaſter* II. 375, 379
The ſecond *Nicene* Council, its Rules againſt the Monks 365
*Nicholas* V. (Pope) his Impoſitions upon the Clergy II. 340
*Nicopolis* (a City of *Bulgaria*) Victory gain'd there by the *Turks* II. 283
*Nieder* (*John* the *Dominican*) his Treatiſe of Viſions II. 89
His Character of the *Flagellants* under the Name of *Begaras* 90, 91
*Niem* (*Theodorick de*) Secretary to *John* XXIII. aſſerts the Right of the Emperors in the Election of the Popes I. 7
His Account of the Death of *Ladiſlaus* 9
His Apology for the *German* Nation 586, 587
His Teſtimony of the Conſtancy of *Jerome* of *Prague* 593
His Character, Hiſtory, Writings and Death 603, 604
*Nitard* (*Henry de*) ſent by the Archbiſhop of *Mentz* to make his Apology I. 602
*Nola*, two Cities of that Name in *Italy* II. 407
*Norri* (*John de*) nominated by the King of *France* to the Archbiſhoprick of *Sens*. See *Savoiſy*.
*Notaries*, a Regulation of the Reforming College about them II. 349
*Nouvella* (of *Juſtinian*) condemn Simony II. *ib.*
*Nuns*, a Regulation of the Reforming College about them II. 370, 371
*Nuremberg* (*Frederick* Burgrave *de*) arrives at *Conſtance* with *Sigiſmond* and carries the Scepire I. 77, 78 See *Martin* V. Pope.
He receives the Inveſtiture of the Electorate of *Brandebourg* II. 67, 68
He appears with Splendor at the Council *ib*
His Patents for the Electorate *ib.*
His Complaints againſt the Dukes of *Pomerania* 69
His Promiſe of Aſſiſtance to *Sigiſmond* againſt the *Huſſites* 70



The

The Ceremonies of *Federick*'s Inveſtiture 70, 71
He marries his Daughter to the Duke of *Lignitz* 72
He yields the Electorate of *Saxony* to *Federick* of *Miſnia* 73
He humbles *Lewis* of *Bavaria* of *Ingolſtat* ib.
He marries one of his Daughters to the Duke of *Mecklembourg* ib.
Another to the Duke of *Lunenbourg* 74
His unſucceſsful March againſt the *Huſſites* ib.
He appoints *Frederick* his ſecond Son for his Succeſſor ib.
His Death and Panegyric ib.
*Nuremberg*, Conference of *John Hus* with the Clergy of that City I. 41, 42
*Nuremberg* (*John Burgrave* of) governs *Brandebourg* with Succeſs in his Father's Abſence II. 74
He acquieſces, though he was the eldeſt Son, in his Father's Choice of his ſecond Son to ſucceed him ib.
*Frederick* II. ſucceeds *Frederick* I. his Father ib.

O

OATHS for confirming human Contracts, unlawful I. 230, 231
This Article of *Wickliff* condemn'd ib.
Oaths taken in Eccleſiaſtical Elections II. 353
*Obedience* (real of a Pope) what it is I. 612 to 616
*Obligation* or Contract of Perſons promoted to Poſts at the Court of *Rome* II. 154, 155
*Obſtinacy*, the Eſſence of Hereſy I. 587, 588
*Office* (Divine) how it ought to be celebrated II. 325
*Officers* (of the Court of *Rome*) who they are that ought to take Orders II. 347
*Old Women*, their Right to aſſemble a Council on the Failure of the Popes and Princes II. 314
*Oldcaſtle* (*Sir John*, *Baron Cobham* an *Engliſh* Nobleman) executed for *Wickliffiſm* II. 240
*Orders* (Monaſtic) the Multitude of them cenſured I. 437
*Orders* (Eccleſiaſtic) all Biſhops and beneficed Prieſts obliged to receive them II. 354
*Ordination* engroſs'd by the Biſhops, from their Ambition and Avarice I. 226
This Article of *Wickliff* condemn'd ib.
*Origen* cenſures Simony II. 349
*Orleans* (*Lewis de*) aſſaſſinated by Order of the Duke of *Burgundy* I. 372, 373
*Orleans* (the Maid of *Orleans*) ſhe carried the Standard at the Coronation of *Charles* VII. II. 398
*Ornaments* given to the Pope elect II. 178, 179, 180
*Orphans*, the *Huſſites* ſo called when they had loſt *Ziſca* II. 240
*Oſtia* (Biſhops of) their Prerogative to confer ſacred Orders on the Pope elect II. 175
*Otho* I. Emperor, aſſembles two Councils at *Rome* II. 314
*Oxford* Univerſity, favourable to *Wickliff* I. 211
*Wickliff*'s Works are read there 30 Years after his Death 215
They give him an advantageous Character ib.
A Diſcuſſion upon it ib.
The Seal of that Univerſity very much neglected ib.
A great number of *Wickliff*'s Articles condemn'd in it 216
*Wickliff*'s Bones are there dug out of the Ground and burnt ib.

*Oxford* (Council of) Fornication thereby prohibited to the Prieſts II. 359

P

*PAGANS* excommunicated by the Bull of *Holy Thurſday* II. 252

*Palatine* (Elector). See *Bavaria.*

*Palatine* (*Otho* and *Henry* Princes). See *Bavaria.*

*Paleologus* (*John*) Emperor of the *Eaſt*, his Accommodation with the *Latin* Church II. 222, 223

His Succeſſor *Manuel* oppoſes it *ib.*

*Paletz* (*Stephen*) one of the chief Adverſaries of *John Hus*, arrives at *Conſtance* I. 57

He was once his intimate Friend, but turned his Enemy on account of *John* XXIII's *Croiſade* 58

His Tract againſt *John Hus*, entituled *Anti-Hus* *ib.*

His Injuſtice to *John Hus* at a private Hearing 66

He joins with *Michael de Cauſis*, another Adverſary of *John Hus*, to get him condemned 58

They exhibit Articles againſt *John Hus* to the Pope and Cardinals *ib.*

They endeavour to get him apprehended *ib.*

*Pall*, the Cloak or Ornament of the Archbiſhops, given to the Pope elect II. 180

*Pancerin Anthony* Cardinal, his Retinue at the Council, and his Broils with *Gregory* XII. II. 393

*Pandel* (Cardinal) of *Gregory* XII's Obedience, dies at *Conſtance* I. 536

Is interred without Ceremony becauſe he was poor *ib.*

*Pantheon* (Temple of all the *Pagan* Idols) becomes the Church of *All-Saints* II. 329

*Papenheim* (*Count de*) is Hereditary Marſhal of the Empire II. 156

*Paris* (Univerſity of) Arrival of its Deputies at the Council I. 115

They are introduced by *Sigiſmond* to the *German* Nation 116

His Exhortation to them to promote the Project of Reſignation *ib.*

Their Concluſion concerning the Superiority of the Council 141

Letters from the Univerſity to its Deputies, to the Fathers of the Council, and to the Emperor 190 to 193, 249

To the Prelates and *Italian* Doctors 194

Their ſevere Decree againſt the *Huſſites* 326

Aſſembly or Council of *Paris* againſt the Doctrine of *John Petit* 377, 378

They diſavow *Gerſon*'s Proceedings in that Affair 474

Their Letter to the City of *Roan* II. 287, 288

They are forced to revoke their Proceedings againſt the Duke of *Burgundy* *ib.*

*Parliament* of *Paris* maintains the Liberties of the *Gallican* Church II. 289

*Paſſage* (general for the *Holy-Land*) II. 320, 321

*Paſſau* (*George de Hohenloe*, Biſhop of) is made the Emperor's great Chancellor II. 199, 404

He is ſent by the Emperor to the *Milaneſe* 217

*Patrimony* (St. *Peter*'s) ill managed II. 321

*Pavia*, City choſe for holding the firſt General Council II. 260

This Prerogative diſapproved by the *French* *ib.*

*Pavia* (*Marſille de*) his Writings againſt the Court of *Rome* II. 307

*Paul* (*l'Anglois*, a School Divine of the XVth Century) his Deſcription of the Church of *Rome* I. 369

*Peniſcola* (Iſland in *Arragon*) *Peter de Luna* aſſerts the Church to be there II. 8.

His Retreat to that Iſland 44, 45, 46

The Situation of it in the Domain

main of the Knights of *Rhodes* 220
The King of *Arragon* wants *Martin* V. to give it to him 220, 221
*Penitence* (Order of) See *Mainfred.*
*Penitentiary* (*Roman*) its Officers the Opinion of the *Germans* about it II. 204
XLVII Writers of the Penitentiary at the Council with each an Attendant II. 413
*Penitentiary* (Grand of the Church of *Rome*) takes Cognizance of the Caſes reſerved to the Popes II. 342
*Penitentiaries* (of the Apoſtolick Chamber) Regulation of the reforming College about them II. 347
*People* may correct their Sovereigns when they pleaſe I. 223
This Article of *Wickliff* condemn'd *ib.*
He complains that his Article is falſify'd *ib.*
*Percy* (Lord) Earl Marſhal of *England*, a Friend to *Wickliff* I. 212
*Perpignan.* See *Benedict* XIII. (Pope,) *Sigiſmond*
A Fire in that Town I. 519
*Peſaro* in the Duchy of *Urbino* (*Bartholomew* Biſhop of) his Attendance at the Council of *Conſtance* II. 408
*Peter* St. Apoſtle, cenſured by Saint *Paul* II. 246
His Humility *ib.*
*Peterhauſen.* See *Benedictins.*
*Peterhauſen* (Abbey of *Benedictins* near *Conſtance*) *John Frey* the Abbot II. 411
He holds a Chapter of *Benedictins* there *ib.*
*Martin* V. gives him the Mitre *ib.*
*Petit* (*Denis le*) his Calculation of Time II. 378
*Petit* (*John*) a Cordelier, a Counſellor and Advocate to the Duke of *Burgundy*) his ſcandalous Propoſitions againſt the Lives of Kings I. 372 to 377
His Death 376
His Propoſition condemned in the Aſſembly of *Paris* 376, 377
His Propoſitions brought upon the *Tapis* in Council 378 to 385, 391 to 393, 395, 474 to 488, 500 to 504, 538, 539, 557, 560, 561, 564 to 568, 569, 570, 579, 583, 612, 621, 622, 624.
Aſſembly of the *French* Nation upon that Affair 566, &c.
His general Propoſition condemned by the Nations 427
*Martin* V. refuſes to ratify the Condemnation II. 229
*Gerſon*'s Reflection upon his Refuſal *ib.* 230
*Petrarch* (*Francis*) his Writings againſt the Court of *Rome* II. 307
*Picards* (Sectaries) joyn with the *Huſſites* II. 241
Why they are ſo called *ib.*
*Ziſca* extirpates them *ib.*
*Pictet* (Divinity Profeſſor at *Geneva*) his Letter about *John de Brogni* I. 16
*Pileus* (Archbiſhop of *Genoa*). See *Genoa.*
*Pillage*, the Council forbids the pillaging of the Houſe of the Cardinal who is choſe Pope II. 161
*Piſa* (Council of) the ill Succeſs of it I. 2
The *Italian* Cardinals will have the Council of *Conſtance* to be only a Continuation of it 70
A ſhort Hiſtory of what paſſed at the Council of *Piſa* II. 307, 308
*Pius* I. (Pope) his pretended Decree againſt the Negligence of the Prieſts in the Celebration of Maſs I. 263
*Pius* II. (Pope) his Impoſitions on the Clergy II. 340
Oppoſed by the *Germans* *ib.*
He is for permitting the Prieſts to marry 360
*Placenza* (Council of) forbids Fornication to the Prieſts II. 359

*Placenza* (*Bartholomew Caccia*, Biſhop of) his Retinue at the Council II. 402
*Planche* (*Bernard la*) a *French* Benedictin who was deputed from the Council to *Benedict* XIII. I. 44
His Speech at the Council 48
*Plaoul* (*Peter*) Doctor of *Paris*, Biſhop of *Senlis* is appointed Commiſſioner againſt the *Huſſites* I. 517
Is murdered at *Paris* *ib.*
*Platina* (Lives of the Popes in *Jul.* I.) is caſtrated in that place II. 345
*Poggius* the *Florentine*, his Letter on the Execution of *Jerome* of *Prague* I. 594 to 599
He was Secretary to ſeveral Popes. See *Preface* xiv, xxxix.
His Character *ib.*
The Diſcovery he made of ſeveral MSS. in *Germany* 599
He learns the *Hebrew* Tongue at *Conſtance* *ib.*
He makes a Funeral Elogy on *Zabarella* II. 130
*Poictiers* (Council of) forbids the Prieſts Fornication II. 359
Prohibits the raiſing of Money by the expoſing of Relicks II. 384
*Poland* (*Ladiſlaus* King of) Arrival of his Embaſſadors at the Council I. 114, 115
*Poles* call the *Teutonic* Knights to their Aid againſt the *Pruſſians* I. 248
They give the Knights ſome Countries, and what they can conquer from *Pruſſia* *ib.*
They ſend a new Embaſſy to the Council 527
Another to Sultan *Mahomet* *ib.*
They demand the Condemnation of *Falckenberg*'s Book by *Martin* V. II. 265. See *Falckenberg*.
Upon his Refuſal they appeal to the next Council *ib.*
They retire from the Council in diſguſt 276
As to their Quarrels with the *Teutonick* Order. See *Knights*, *Volodimir*.
*Polet* (*John*) Inquiſitor of the Faith in *France*, joins with the Biſhop of *Paris* againſt the Doctrine of *John Petit* I. 376, 377
*Poliac* (*John de*) Divinity-Profeſſor aſſerts that the Pope has no Right to grant the Monks the Privilege of confeſſing, to the Prejudice of the Pariſh-Prieſts II. 368
*Pomerania*, *Otho* and *Caſimir*, Dukes of, put under the Ban of the *Empire* II. 70
Popes are obliged to obey General Councils I. 172, 463, II. 314, 315
According to the new Canon Law they are only accountable to God, and 'tis unlawful to appeal from their Judgment I. 200 II. 312
They are only the Diſpenſers of the Revenues of the Church II. 206
They may be Simoniacal *ib.*
According to the old Canons 'tis lawful to appeal from their Judgment I. 440, 441
The World might do without Popes I. 443
Their Uſurpations and Tyranny II. 300, 301
How much they ſuffer by it *ib.*
They may be depoſed 312, 536
Their limited Authority 324, 325, *&c.* II. 336
*Porree* (*Martin*) Biſhop of *Arras*, his earneſt Defence of the Duke of *Burgundy* I. 378, 379, 476, 477
He challenges the Cardinal of *Cambray* in Matters of Faith 389, 391, 500
Reaſons of his ſo doing 391
He preſents a Memorial againſt *Gerſon* 395, 396, 465
He pleads againſt *Peter d'Ailli* in favour of *John Petit* 500, 502
*Gerſon* confutes him 579 to 582

*Portugal* (*John* King of) his Conquests in *Africa* I. 605, II. 224
*Portugal* (*John*, call'd the Cardinal of *Portugal*) whether he was at the Council of *Conſtance* II. 394
*Poſtulations* (for a Benefice) the Meaning thereof I. 571
*Power* (Eccleſiaſtick) wherein it reſides I. 609
*Poyſon*, whether *Ladiſlaus* of *Naples* dy'd of it I. 9, 10
*Prague* (Univerſity of) the Quarrels of the *Germans* and *Bohemians* in that Univerſity I. 30, 31
The latter being ſupported by *John Hus*, prevail over the former 331
The *Germans* retire from *Prague* by Thouſands 31
The Univerſity declares for the Communion in both Kinds II. 59
*Prague*, the Communion in both Kinds publickly preach'd up there I. 257, 258
*Prayers* (Firſt) the Affair diſcuſs'd in the Council I. 559
The particular Prayers of Prelates or Friers of no more Avail than the general Prayers 224
This Article of *Wickliff* condemn'd *ib.*
The Prayer of a Reprobate is of no Avail 225
This Article of *Wickliff* condemn'd *ib.*
*Preacher* (*Hoſſius*). See *Sermons*.
*Preaching* (of the Goſpel) the chief Function of Biſhops II. 323
Abuſe of it 305, &c.
*Prebends* (of the Canons) Regulation of the Reforming College concerning them II. 361, 362
*Precautions* (againſt the Negligence of the officiating Prieſts) I. 263. See *Pius* I.
*Prenzlow* (the Capital of *Uckermarck*) reduced II. 74
*Presburg* (Council of) forbids Prieſts Fornication II. 359
*Preſence* (corporal) Jeſus Chriſt is not corporally preſent in the Euchariſt I. 218
This Article of *Wickliff* condemn'd *ib.*
The Preſence of Jeſus Chriſt in the Euchariſt real, tho' not corporal 236, 237
*Preſents* made to the Pope newly elected II. 179
*Prezibram* (a *Bohemian* Doctor) defends *John Hus* at *Prague* in the Affair of the three Voices I. 30
*Prieſts* ought to be admitted to the Council I. 110
The Pope is only the chief of the Prieſts *ib.*
A Prieſt may preach God's Word without Authority from the Apoſtolick See or the Biſhop 228
This Article of *Wickliff* condemn'd *ib.*
*Princes* (*Temporal*) are the Fathers, Phyſicians, and Surgeons of the Church II. 314
*Privileges* granted by the Emperor to ſeveral Towns II. 67
*Proceſſions* for the Safety of the Church I. 451
*Proceſſions* for the happy Return of the Emperor II. 6
For meeting him 23
Round the Conclave 162
After the Coronation of the Pope 182
*Procurations* of the Biſhops, what they are II. 139
Decree of the Council thereupon *ib.* and 337
*Profeſſion* (of Faith) what is incumbent on the Pope elect II. 133, 134
That of *Boniface* VIII. *ib.* 136, 194, 195
Father *Garnier*'s Diſſertation upon thoſe Profeſſions of Faith 136, 137
When they ceas'd and reviv'd *ib.*
*Propriety* (of Eſtates) prohibited to the Monks II. 373
*Protbonotaries* (Apoſtolical) Regulation

tion of the Reforming College about them II. 344
Their Inſtitution 345
*M. Aimon*'s Opinion of them *ib.*
*Protocol* of the Reforming College II. 334
*Pruſſians*, their Hoſtilities againſt the *Poles* I. 247
*Purgatory* believed by *John Hus* I. 36
*Purſe* with twelve precious Stones II. 179
It denotes Charity to the Poor *ib.*
The Stones repreſent the twelve Apoſtles *ib.*
*Puy* (*Gerard de*) of *Podio*, Biſhop of *Carcaſſonne*, is nominated on the part of the King of *France*, in the Affair of *John Petit* I. 378

Q

*QUÆSTORS* (or Preachers of Indulgences) ſuppreſs'd II. 385 See *Bourdeaux*, *Bada*, *Cologn*, *Lateran*, *Montpellier*, *Vienna*.

R

*RAGUSA* (*Anthony* Archbiſhop of, M. D.) his Retinue at the Council II. 397
*Raſponi* (Cardinal) his Account of the Conſecration of the Pope II. 178 to 181
*Ratisbon* (*Albert de Stauffenberg* Biſhop of) his Retinue at the Council II. 403
*Rats* may happen to eat the conſecrated Wafer I. 234, 237, 238
*Referendaries* II. 347
*Reformation* (of the Church) no body dar'd to meddle with it at the beginning of the Council I. 47, 390
*Reformation of the Church in its Head and Members*, whether theſe Words are in the Acts I. 159, 160
The Affair of the Reformation is renew'd after the depoſing of *John* XXIII. 390
Whether the Reformation of the Church ought to precede the Choice of the Pope II. 78, 79
Articles for the Reformation before the Election of the Pope 131
Articles on which the Reformation ought to turn 145, 147
Conſultation of Divines thereupon 118 to 123
*Reforming* (College) ſeveral Aſſemblies of it for the Reformation of the Church I. 528
Of how many Perſons it conſiſted II. 330
When and where it aſſembled 331, 332
A ſhort Hiſtory of their Aſſemblies 332
And of their Deliberations *ib.* 375, *&c.* to 389
Their irrevocable Decree that a General Council may puniſh and depoſe a Pope for Hereſy 336
Reflection upon the ſaid College 389
*Regiſters* II. 347
*Reichenthal* (*Ulric*, a Canon of *Conſtance*) the Character of his Hiſtory of this Council. See *Pref.* xiv
He is employ'd in many Affairs I. 92
He regales the Emperor *ib.*
He accompanies *John Hus* to Execution *ib.*
*Reichenau* (Abbey, *Frederick* Count *de Zollern* the Abbat) depos'd by the Pope and reſtored by *Sigiſmond* II. 410
The Foundation of the Abbey *ib.*
*Reinher* (*John*) a *Dominican*, engag'd in the Sect of the *Flagellants* II. 87
He afterwards gave Characters for the finding out of Hereticks I. 279 to 282
*Religious* Order, when People enter into them they are indiſpos'd from keeping God's Commandments I. 224
They

They were all without Diſtinction introduced by the Devil 231
This Article of *Wickliff* condemn'd *ib.*
*Relicks* (of Saints) a Prohibition to expoſe them out of the Churches II. 384. See *Poictiers*, *Latran.*
*Reprobate.* A reprobate Pope has no Power I. 219
This Article of *Wickliff* condemn'd *ib.*
*Reſervations* (of the Pope) a Commiſſion appointed to reguiate that Affair between the King of *England* and the Pope I. 211
Sentiment of the *German* Nation about them II. 202
*Reſervations* which *Martin* V. arrogates to himſelf II. 210
Their Source and Abuſe 321, 322
They are prohibited by the Reforming College 337, 338
*Reſervations* (mental, of the Popes, with regard to Benefices) their late Invention II. 338
The Council of *Trent* forbids them *ib.*
*Reſidence* (of Prelates) commanded II. 326, 327, 339, 353
Benefices of Reſidence and Non-reſidence, the Sillineſs of the Diſtinction 354
*Reuchlin* (*alias Capnion John*) reckon'd Inventor of Comedy in *Germany* II. 25
*Revelations*, *Gerſon*'s Opinion about them I. 469, 470, *&c.*
*Rheims* (*Renauld de Chartres*, Archbiſhop of) he is ſent to *John* XXIII. I. 137
The Report he makes from *Schaffhauſen* on the part of *John* XXIII. 146, 147
He was made a Cardinal II. 398, 399
He crown'd *Charles* VII. *ib.*
His Negociations *ib.*
*Rheinſhauſen* (Abbey in the Dioceſe of *Mentz*) *John* a Monk of that Abbey, reforms the Order of St. *Benedict* II. 30
*Richard* II. (King of *England*) a Friend to *Wickliff* I. 211
*Roan* (City) taken by the *Engliſh* II. 287
*Robberies* committed about *Conſtance* I. 620
*Robert* (Emperor) a Stickler for *Gregory* XII. I. 3
*Roch* (St.) whether he was canonis'd at *Conſtance* I. 107
*Rocha* (*John de*) a Doctor of *Thoulouſe* eſpouſes the Intereſt of *John Petit* I. 479, 480
His Writings againſt *Gerſon ib. &c.*
He aſſerts that *John Petit*'s Propoſitions do not appertain to the Faith 538
*Rocquezane* (*John de*) a *Bohemian* Doctor, his Birth and Studies I. 23, 24
*Ruder* (*Matthew*) Divinity-profeſſor, his Sermon upon the Reformation of the Church I. 81, 82
He is for the Reformation of the Church before the Choice of the Pope *ib.*
*Romans* (King of) the Name given to the Emperors till they were crown'd by the Pope I. 62
*Rome* (City) after being ſeiz'd by *Ladiſlaus* and *Joan* Queen of *Naples*, returns to the Obedience of *John* XXIII. I. 46
*Rome* (Council) of no Effect II. 309
*Rome* (Court of) its Corruption and Uſurpations II. 314, 315
Regulation about their Marſhal 347
What Sciences and Languages ought to be taught there *ib.*
Stewards at the Court of *Rome* II. 348
Who ought to be Examiner there *ib.*
The Court of *Rome* has the Privilege of an Univerſity *ib.*
*Roſe* (*Golden*) the Origin of that Ceremony II. 244, 245

*Roſenberg* (*William de*) Lord of *Bohemia*, his Speech to *Wenceſlaus* to engage him to return to *Prague* II. 62
The Lords of *Roſenberg* embrace *Huſſitiſm*, and the Method they take to convert their Subjects 62
*Roſweide* (a Jeſuit) his poor Shift to excuſe the Violation of *John Hus*'s Safe-Conduct I. 189
*Rougemont* (*Theobald de*) Archbiſhop of *Beſancon*, is deputed from the Duke of *Burgundy* in the Affair of *John Petit* I. 378
Privileges of the Archbiſhops of *Beſancon* 379
The Pope conteſts it *ib.*
*Ruſſia* (*White*, *Karibut* Duke) his Arrival at *Conſtance*, and Retinue II. 414
*Rutilius* (a Pagan Poet) complains of the Multitude of Friers II. 36

S

*SACRAMENTS*, *Wickliff* does not refuſe to admit the five which the Church of *Rome* has added to the two inſtituted by Jeſus Chriſt I. 234
*John Hus* alſo owns them 436
*Safe-Conduct* which *Sigiſmond* gave to *John Hus* I. 61
It cramps the Commiſſioners of *John Hus* 84
*Sigiſmond* revokes the Safe-Conducts which were not uſed in the Time 179
The Duke of *Auſtria* defers the ſending the Safe-Conducts to the Deputies of the Council who were with *John* XXIII. 187
Safe-Conduct granted to *Jerome* of *Prague* 188
Not ſo advantageous as that granted to *John Hus* *ib.*
Safe-Conducts granted to *John* XXIII. and his Adherents 208
'Tis prov'd that *John Hus*'s Safe-Conduct was violated 297 to 300
A Diſcuſſion of that Safe-Conduct 299
The Council's Decree concerning the Safe-Conducts of Hereticks 514
And that of *John Hus* *ib.*
*Saints* ought to be extoll'd no farther than as their Lives appear conformable to that of Jeſus Chriſt and the Law of God I. 233, 234
All the fine Things ſaid of them muſt not be taken in the Letter 609
*Saints-Days* ought all to be aboliſh'd for the Sake of celebrating the Feſtival of Jeſus Chriſt alone I. 234
Thoſe which are not enjoin'd by the Canon-Law ought to be retrenched II. 325
Regulation of the Reforming College about them 383, 384. See *Ailli*, *Clemangis*, *Gerſon*, *Heſſe*.
*All-Saints* and *All-Souls-Days*, their Original I. 20
*Salisbury* (*Robert Alam*, Biſhop) Ambaſſador from *England*, his Arrival at the Council, and Zeal for the Reformation of the Church I. 70
He accompanies the Emperor to *John* XXIII. and tells him to his Face that the General Council is above the Pope 128
He harangues the Emperor upon his Return to *Conſtance* II. 24
He declares that *John* XXIII. ought to be burnt 123
He was preſent at the Council of *Piſa* *ib.*
Was made a Cardinal *ib.*
His Death *ib.*
*Saltzbourg* (*Eberhard de Neuenhauſen*, Archbiſhop) his Attendance at the Council II. 397
*Saluces* (*Amadeus de*) Cardinal ſent to *France* to negociate the Peace II. 253
His Arrival and Retinue at the Council 393

*Samogitians*, their Deputies at the Council I. 526, 527
The Council ſends Miſſionaries to them *ib.*
They ſend an Embaſſy to the Council 605
Their Converſion to Chriſtianity II. 223
*Sardinia.* See *Sicily.*
*Sarepta* (Biſhop of) he extorts a Bull from *Alexander* V. againſt *Wickliff*'s Books I. 528
*Satyrs* againſt the Avarice of the Pope, the Cardinals and the Court of *Rome* II. 303, 307
*Savoiſy* (*Henry de*) a Competitor with *John de Nori* to the Archbiſhoprick of *Sens* I. 571.
He is confirmed by *Martin* V. *ib.*
*Saxony* (*Rodolph* Elector of) arrives at *Conſtance* with *Sigiſmund*, and bears the drawn Sword as grand Marſhal of the *Empire* I. 77, 78
His Retinue at the Council II. 413
*Sbynko* (Archbiſhop of *Prague*) declares that there is no Hereſy in *Bohemia* I. 27
Cauſes *Wickliff*'s Books to be burnt 32, 331
Interdicts the Chapels of *Prague ib.*
*Schaffhauſen*, the firſt Place to which the Pope retired after his Eſcape I. 129
He ſends for his Court thither 142
He makes an Apology for his Flight *ib.* and 145
This Town purchaſed of *Sigiſmond* the Privilege of an Imperial City 178
*Schelſtrate* (Librarian of the *Vatican*) his Honeſty ſuſpected II. 239, 240
See *the Preface* X, XI
*Schiſm* (grand *Weſtern* Schiſm) the Original of it I. 2, II. 319
Regulations of the Council for preventing Schiſms II. 132, 133
Remedy againſt Schiſm 319
*Schiſmaticks* excommunicated by the Bull of *Holy Thurſday* II. 252
*Schlick* (*Gaſpard de*) Chancellor of the *Empire* oppoſes the Condemnation of *Jerome* of *Prague* I. 591
*Schmith* (*Conrad*) Chief of the Sect of the *Flagellants* II. 90
He called himſelf the Prophet *Enoch*, and ſaid he was to execute Judgment on the laſt Day *ib.* 92 and 97
*Schwartzenbourg* (*Gombier Count de*) he cauſes 200 Hereticks to be burnt in his Dominions I. 536
He dies at *Conſtance* II. 270. See *Diſputes*
*Scotland*, the Viceroy promiſes to unite to the Council I. 630, 631. II. 6, 188 See *Benedict.* XIII.
*Scripture* (*Holy*) infinitely ſurpaſſes all other Writings though never ſo authentick I. 233
*Scriveners* (of the Apoſtolical Letters) a Regulation of the Reforming College about them II. 346
*Secretaries* (of the Pope) their Number and Retinue at the Council II. 413
*Seculars*, *John* XXIII. will not admit them to the Council I. 110
They ought to be admitted *ib.*
They were ſo at *Conſtance* 111
A ſecular Lord in mortal Sin, is no longer a Lord 222
This Article is falſly charged upon *Wickliff* 223
The ſecular Lords may take away Benefices from the Clergy who lead ill Lives *ib.*
This Article of *Wickliff* condemned *ib.*
*John Hus*'s Opinion bout it 441
Regulation of the Reforming College about the Seculars II. 371, 372
*Semendria* (a City of *Servia*) Place won there by the *Turks* II. 285,
*Sens* (Archbiſhoprick of) its Diſputes with the Archbiſhoprick of *Lyons* I. 571
Three Competitors for that See 583. See *Savoiſy*, *John de Nori*

*Senſes*, their Evidence about the Euchariſt I. 234
The Opinion which deſtroys the Evidence of *Senſes* concerning the Euchariſt, is a Hereſy which makes it a Sacrament of Antichriſt 238
*Sergius* II. Pope, Simony publickly exerciſed in his Pontificate II. 350
*Sermons* (of *Holy Thurſday*) See *Forli.*
*Sermons* upon the Reformation of the Church I. 81, 462, 505, 511, 520 to 522, 535, 536, 552, 559, 605. II. 9, 10, 40, 76, 85, 102 to 105, 129
*Sermons* of a *Huſſite* Preacher, in honour of *John Hus* and *Jerome* of *Prague* II. 61, 62
*Servant* (of the Servants of God) Reflection upon that Title aſſumed by the Popes II. 317
*Gregory* the Great firſt took it and deſerved it *ib.*
*Services* (petty) what they are at the Court of *Rome* II. 203
*Seſſions*, firſt Seſſion of the Council I. 50
*John* XXIII's Bull for calling the Council is read in it 51, 52
*John* XXIII. ſettles the Ranks, and names the Officers in it 53, 54
The third Seſſion, in which 'tis ſaid that the Council is named general, and not that it actually is ſo, as it had been in others 147, 148
The Reaſons of this Difference 149
The fourth Seſſion and the ſecond after the Pope's Eſcape 157
Whether the Ambaſſadors of *France* were at it 155
It did not paſs without ſome Diſputes 150
The fifth Seſſion in which the Articles omitted by *Zabarella* were read 170, 172
Whether the Ambaſſadors of *France* were at it 171
*Sforza* (the General of *Joan* of *Naples*) he recovers *Rome* from *Braccio* II. 191
*Sicily* and *Sardinia* (Iſlands) what Revenue the Popes drew from them II. 220
*Sigiſmond* (King of *Hungary*) choſe King of the *Romans* I. 3
He did not name himſelf 4
He ſends an Embaſſy to *John* XXIII. 6
He makes all the neceſſary Diſpatches for calling of the Council 8
He makes the Magiſtrates of *Conſtance* ſwear to a Treaty of Security for *John* XXIII. 13
He aſſumes the Title of Governor of *Bohemia* 27
He forbids Money to be raiſed in his Kingdom for the Court of *Rome* *ib.*
He writes menacing Letters to *Conſtance* to ſet *John Hus* at Liberty 75
His Arrival there and great Retinue I. 76, II. 413
He aſſiſts at the Pontifical Maſs in the Habit of a Deacon, and reads the Goſpels I. 77
His Character 78, 79
He gives an Account of his Negociations in a Congregation 81
He ſuffers himſelf to be prevail'd on not to keep his Safe-Conduct 84
Yet he writes to the *Bohemians* that his Safe-Conduct was violated againſt his Will 85
He falls on his Knees before the Pope, when he promis'd to reſign 118
He viſits *John* XXIII. to engage him not to retire from *Conſtance* 126, 127
He heartens the Council againſt their Alarms for the Eſcape of *John* XXIII. 137
He offers to go and fetch him back 174

He ſends Troops againſt *Frederick* of *Auſtria* *ib.* 175
He puts the Duke under the Ban of the Empire 177
He only grants a Safe-Conduct to *John* XXIII. as far as he has a Right to do it, and does not engage to cauſe it to be obſerv'd 208
His Diſcourſe to ſeveral Ambaſſadors of *Italy*, after having reduc'd the Duke of *Auſtria* 244
He adminiſters Eccleſiaſtical Affairs and Benefices, during the Vacancy of the See 313
The Prerogatives of the Emperors in this reſpect, violated by the Popes *ib.*
He declares to *John Hus* that he will ſooner kindle the Fire with his own Hands, than ſupport him in his Errors 333
His Opinion of *Hus* 346
His Declaration upon the ſame Head to the Council 356
He preſides at the beginning of the 14th Seſſion 399, 400
Promiſes to ſubmit in all Things to the Council 403
Severely forbids any Perſon whatſoever to diſturb it *ib.*
He bluſhes at an indirect Reproach caſt upon him by *John Hus* 422
*Charles* V's Jeſt upon that Occaſion *ib.*
He returns to the Council from his Travels II. 13
The ill Succeſs of his Voyage to *England* *ib.*
His Apology againſt certain Hiſtorians *ib.* 21, 23
His Treaty with the King of *England* 15, 16, 18, 295
His Reception at his Return 23, 24
He had received the Order of the *Garter* in *England* *ib.*
His Panegyrick in Verſe affix'd to the Gates of the Cathedral of *Conſtance* 52
He is for the Reformation of the Church before the Election of the Pope 80, 85
He is deceiv'd by the Cardinals in that Matter 86, 118
He writes ſeveral very ſharp Letters to the *Bohemians* 112 to 117
Endeavours to render him ſuſpected of *Huſſitiſm* 121, 122
He is publickly accus'd of Hereſy 125
He is for arreſting the Cardinals 126
He is oblig'd to conſent to the Election of a Pope before the Reformation 129
He proſtrates himſelf before *Martin* V. 173
He holds his Horſe's Bridle by the right Rein, as the Elector *Palatin* does the Left 174, 182
He is recogniz'd and crown'd by *Martin* V. 200
His Anſwer to the *French*, when they preſs'd too late for the Reformation 207
He borrows and runs in Debt wherever he goes 219
He goes for *Baſil*, and comes back the ſame way 243
His Reaſons for returning *ib.*
His Diſguſt at *Martin* V. *ib.*
He receives the *Golden-Roſe* from him 244
He takes his Leave of the Council and thanks them 267
His Declaration that if any Thing happen'd amiſs there 'twas not his Fault *ib.*
He holds the Bridle of the Pope's Horſe at his Departure 275
He ſets out himſelf 276. I. 462
Preparations for his Journey I. 459
Several Conſpiracies againſt him 461
His Arrival at *Perpignan* 503
An Attempt to poyſon him there 519
His Apology and Negociations at the Council II. 276, 277
He goes to *Hungary* 295

His ſtay at *Paris* I. 555
He creates a Knight in the Parliament *ib.*
Makes the Count of *Savoy* a Duke *ib.*
He favours the *Teutonick* Knights *ib.*
His Project for the Reformation of the Clergy of *Germany* 601
He complains of the Repeal of the Sentence of the Biſhop of *Paris ib.*
*Silence* enjoin'd, during the Seſſions I. 53
During the Degradation of *John Hus* 413
Reflection upon that Decree 414
*Sileſia* (*Henry Rumpolt*, Duke of *Sagan*) his Arrival and Retinue at *Conſtance* II. 414
He gives Aid to *Sigiſmond* againſt the *Huſſites ib.*
*Simony*, 'tis Simony where a Man engages to pray for one that aſſiſts him I. 225
This Article of *Wickliff* condemn'd *ib.*
The Opinion of the *Germans* about Simony II. 206
*Martin* the Vth's Regulations about it 212
Simony practis'd at *Conſtance* I. 442
Puniſh'd there I. 603, II. 351, 352
What is Simony I. 529, 530. II. 349
A general and inveterate Evil in the Church *ib.*
Laws againſt it 350, 355
'Tis implicit Hereſy 350
Decree of the Reforming College againſt Simony 351
*Sin* (mortal) a Biſhop or Prieſt in a State of mortal Sin cannot adminiſter any Sacrament I. 218
This Article of *Wickliff* condemn'd *ib.*
*Siſteron* (in *Provence*, *Robert de Four* Biſhop of) his Retinue at the Council II. 403
*Socrates* laughs to ſee great Rogues carry little ones to the Gallows I. 535
*Sophia* (of *Bavaria*, Queen of *Bohemia*) favours *John Hus* I. 25
Whether it be true that ſhe repented of it *ib.*
*Sigiſmond* cauſes her to retire to *Iſbourg*, where ſhe dies *ib.*
*Spain*, *Spaniſh* Cardinals own *Martin* V. II. 285
Two Biſhops of *Spain* at the Council, their Retinue 404
*Spaniards* ſupport *Benedict* XIII. under-hand 207
*Spalatro* (*Peter*, Biſhop of) in *Dalmatia*, his Retinue at the Council II. 398
*Spire* (*Raban* Biſhop of) his Retinue at the Council II. 405
His Benefices *ib.*
*Spirit* (Holy) Letter from the Holy Spirit to the Council I. 451
*Spoils* (of Biſhops or vacant Benefices) Decree of the Council about them II. 139
*Stages* (of the Canons) what they are II. 361
*Stettin* (City) put under the Ban of the Empire II. 70
*Stock* (*Lambert de*) *de Stipite*, a Deputy from the Council to *Peter de Luna* II. 6, 44
His Letter to the Archbiſhop of *Riga* upon that Embaſſy *ib.*
*Stokes* (*John*) an *Engliſh* Doctor, his Depoſition againſt *John Hus* I. 325
*Stokes* (*Peter*) an *Engliſh* Doctor, *Wickliff*'s Adverſary I. 213, 214
His Confuſion at it *ib.*
*Strasbourg* (*William de Dieſte*, Biſhop of) his Quarrel with his Chapter II. 193
He is arreſted by his Chapter I. 531
The Council is for releaſing him 532
Several Aſſemblies upon that Head 533, 534, 605
*Subordination*, recommended to the Prelates II. 358
*Subſidies* and other Exactions forbid to the Prelates II. 355, 356

*Sub-*

*Subſiſtence* of the Pope and Cardinals, *Martin* V's Regulation about it II. 214
*Subſtance* (of Bread and Wine) remaineth in the Sacrament of the Altar I. 217
This Article of *Wickliff* condemn'd *ib.*
*Sudbury* (*Simon*) Archbiſhop of *Canterbury*, *Gregory* XI. writes a Letter to him againſt *Wickliff* I. 212
*Suidgert* (Biſhop of *Bamberg*) choſe Pope by the Name of *Clement* II. I. 8
*Swedes* demand the Canonization of certain Saints I. 469
'Tis put off 472
*Swiſs*, they are ſorry to take Arms againſt the Duke of *Auſtria* I. 178
They are to keep all they ſhall conquer during that War *ib.*
*Synod* (of Biſhops) Regulation of the Reforming College about them II. 335

T

*TABOR* (a Mountain near *Prague*) the Word in the *Bohemian* Tongue ſignifies a Tent or Tabernacle II. 240
*Taborites*, the *Huſſites* ſo call'd, becauſe they encamp'd on that Mountain *ib.*
Letter of *Æneas Sylvius* about them *ib.*
*Tarentaiſe* (*Peter de*) a School-Divine of *Burgundy* in the XIIIth Century, authoriſes the with-holding of the Cup from the Laity I. 366
*Tax* (of the Chancery of *Rome*) II. 345 to 349
*Tenths* (raiſed by the Pope) the Opinion of the *Germans* upon them II. 286
*Teſtimonies*. See *Wickliff*, *Huſs*, *Sbynko*, *Nazareth*, *Oxford*.
*Teutonic*. See *Knights*.
*Thomas* (St.) the Apoſtle, his pretended Legend I. 273
*Thomas* (St.) of *Canterbury*, his Feſtival celebrated at *Conſtance* I. 635
His Hiſtory *ib.*
*Thomas* (St. *Aquinas*) quoted in favour of the Doctrine of with-holding the Cup from the Laity I. 366
*Thomieres* (St. *Pons de*) in *Languedoc*, *Geffrey* Biſhop of) his Attendance at the Council II. 409
The Confuſion of the Liſts in that Matter *ib.*
*Thurſday* (*Holy*) celebrated by *Martin* V. II. 252
*Toledo* (Council of) enjoins Silence during their Deliberations I. 53
The Sixth Council of *Toledo* did not make a Declaration for the Communion in one Kind only II. 196
The Fourth Council of *Toledo* forbids the Perſecution of the *Jews* 386
*Tolentin* or *Toul*, or *Tolemnenſis* (Biſhop of) his Proteſt againſt the Eſcape of *John* XXIII. I. 149, 153
*Toulon* (*Vital* I. Biſhop of) curſes the Pope, and charges him with a Lie I. 217
His Sermon upon the Reformation 536, 537
*Tournament*, the Duke of *Auſtria* gives one to facilitate the Eſcape of *John* XXIII. I. 129
Another *Tournament* II. 193
Another in which the Emperor is Victor 217
*Tours* (*James Gelu*, Archbiſhop of) his Apology for the Emperor and the Kings of *Spain* I. 544 to 548
He is nominated to accompany the Emperor to *Nice* 457
*Tow* burnt before the Pope at his Conſecration II. 177
*Tradition*, *John Huſ*'s Opinion concerning it I. 437
*Gerſon*'s *ib.*
*Tranſlations* (of Benefices) Declaration of the Council about them II. 138, 139

Regulation of the Reforming College in that Matter II. 341
*Tranſubſtantiation* believed by *John Hus* I. 69
Diſputed by *Wickliff* 217, 218
See *Innocent* III.
'Tis unintelligible to God himſelf 233
The Abſurdity of that Doctrine 238, 239
The Miracles pretended to prove it 366, 368
*Treaty*, Articles of the Treaty of Security for *John* XXIII at *Conſtance* I. 13, 14. See *Obligation*.
*Trent* (City in *Tirol*) A Quibble of *John* XXIII's.
Jeſter upon that Word I. 18
*Trent* (Council of) in what Order it treated of Matters II. 331
Their Averſion to thoſe of *Conſtance* and *Baſil* 390
*Trent* (*George de Lichtenſtein*, Biſhop of) committed to Priſon by the Duke of *Auſtria* I. 524
That Affair referred to the Council 524, 525
*Trialogue*, *Wickliff*'s principal Work I. 231, 232
An Abridgement of it 232 to 241
*Trinity* (Abbey of *Holy Trinity*) in *Hungary*, *Thomas* Abbot of) his Attendance at the Council II. 412
*Truce* between the *Poles* and the *Teutonic* Order II. 224
*Truth* preferable to Cuſtom I. 368
*Turks* ravage *Hungary* I. 474, 519, 527, 528
*Tythes*, *Wickliff*'s Opinion about them I. 220
They are mere Alms 223, 224
This Article of *Wickliff*'s condemned *ib.*
Whether they are of Divine Right 327

V

*VALLA* (*Laurentius*) ſhews *Conſtantine*'s Grant to be fictitious II. 300
*Vandals*, their League againſt *Brandebourg* II. 74
*Varennes* (*John*) Doctor and Curate of *Rheims*, his Preachings and Character I. 471, 472
*Varillas* criticized, with regard to *John Hus* I. 22, 23
And with regard to *Sigiſmond*'s Safe-Conduct 87 to 89
*Vaudois*, their Opinions concerning Eccleſiaſtical Power I. 616
*Vaudois* and *Albigenſes* improperly confounded with the *Huſſites* II. 238
They are ſcattered all over *Europe* 240
*Venetians*, their Quarrel with *Sigiſmond* I. 4.
Arrival of their Ambaſſadors at *Conſtance* II. 253
Their Hoſtilities againſt *Sigiſmond ib.*
*Sigiſmond*'s Generoſity to them *ib.*
*Verrue* (*Philip Count de*) cauſes the Biſhop of *Aſt* to be arreſted II. 56
*Verſailles* (*Peter* of) a Doctor of *Paris*, nominated on the part of *France* in the Affair of *John Petit* I. 378
His Diſpute upon that Affair with the Biſhop of *Arras* 475, 476
*Vidimus* (of the Apoſtolical Letters) Regulation of the Reforming College about it II. 355, 358
*Vienne* (Council of) its Conſtitution againſt *Quæſtors* II. 385
*Vienne* in *Dauphiny* (*John de Nantes*, Biſhop of) his Attendance at the Council II. 397
He was made Archbiſhop of *Paris ib.*
*Vignoles* (*Alphonſus des*) a Member of the Royal Academy of Sciences at *Berlin*) his Work about the Calendar II. 372

His

His Hiſtory of *Brandebourg* 388
His Memorial concerning the Biſhops of *Brandebourg* 399
*Villeloin*, Abbey of *Benedictins* in *Touraine* (*Peter Aallant* Abbot *de*) his Attendance at the Council II. 412
*Villiers*, Abbey of the *Ciſtertian* Order near *Metz* (*John* Abbot of) his Attendance at the Council II. 412
*Vincent* (St. Abbey of) at *Breſlaw* (*Andrew* Abbot of) his Attendance at the Council II. 412
Foundation of that Abbey *ib.*
*Violence* forbid to be uſed by the Prelates II. 360
*Virgin (Mary)* the Devotion paid to her by *John Hus* and his ſublime Encomia upon her Account I. 45
*Viſch (Peter)* Biſhop of *Cracow* turned out of that Biſhoprick II. 224
The Affair laid before the Council *ib.*
*Viſions*, *Gerſon*'s Opinion about them I. 469, 470
*Viſitations* of Churches, how they ought to be made II. 327, 337
*Viviers* (in the *Vivaretz*, *John de Lignieres*, Biſhop of) his Attendance at the Council II. 403
*Ullerſton* (*Richard*) an *Engliſh* Doctor, his Tract againſt the Corruption of the Church of *Rome* II. 305
*Ulm* (*Henry de*) Conſul of *Conſtance*, ſeizes the Pope's Horſe by his Quality of Conſul I. 19
He carries Preſents from the City to the Pope *ib.*
The Emperor makes him a Knight II. 199
*Union* (of the Church) the firſt Memorial upon that Subject I. 47, 48
*Union* (of the Church) more thoroughly diſcuſs'd in a Congregation of Cardinals I. 70 See *Memorial.*
*Union*, general Congregation upon that Affair I. 73
*Unions* (of the Churches) the *Germans* Opinion on that Subject II. 204
Limited by the Reforming College 345
*Voladimir* (*Paul*) a Canon and Profeſſor of *Cracow*, defends the King of *Poland*'s Right againſt the *Teutonick* Knights I. 249
His Memorial againſt thoſe Knights 409, &c.
He appeals to the next Council in the Name of the King of *Poland*, and of the great Duke of *Lithuania* II. 265
*Urban* II. (Pope) forbids Perſons to confeſs to any but their Pariſh-Prieſts II. 368
*Urban* V. (Pope) declares againſt *Wickliff* in favour of the Monks I. 211
He is for ſummoning *Edward* III. which *Wickliff* oppoſes *ib.*
He promiſes to renounce the Reſervations in *England*, but does not keep his Word *ib.*
He publiſhes a Croiſade againſt the Adherents of *Clement* VII. 214
He gives the *Golden Roſe* to *Joan* of *Sicily* II. 245
*Urban* VI. (Pope) ſince him there has been no Pope I. 220
This Article of *Wickliff* condemn'd *ib.*
*Uri* (a Canton of *Switzerland*) continues faithful to the Duke of *Auſtria* I. 245
*Vrie* (*Theodorick*) a German Monk, his Hiſtory of the Council of *Conſtance*. See *Preface to the firſt Edition* xviii, xix.
His Teſtimonies of the Conſtancy of *Jerome* of *Prague* 593
His Verſes upon the Corruption of the Church II. 322
*Urſins* (*Paul des*) General of the King of *Naples* ſeizes *Rome* I. 46, 553
*Urſins* (*Berthold Count des*) holds the Bridle of the Pope's Horſe as he enter'd *Conſtance* I. 19
He has the Sword of the Council 53
*Urſins* (*Jordan des*) Cardinal, celebrates the Mass at the firſt Seſſion I. 50
Preſides at the fourth Seſſion 158

His History and Negociations *ib.*
He goes to *France* and *England* to negociate a Peace II. 254

W

*WAFER* (consecrated) is not an Accident without a Subject I. 233
Is liable to the same Accidents, as that which is not consecrated 235
*Wafer*, sold by a Christian to a *Jew*, who stabs it II. 387
*Walden*, an *English* Carmelite, confutes *Wickliff*'s Works I. 219
His Zeal against the Reformation of the Church II. 307
*Wallenrod* (*John de*) Archbishop of *Riga* his Disputes with the *Teutonick* Order I. 70
He changes his Benefice *ib.*
Accompanies the Emperor in his Travels *ib.*
Unites to the Cardinals for the sake of obtaining the Bishoprick of *Liege* II 128, 163
His Panegyrick 263
His Attendance at the Council 397
*Wars* prohibited to the Prelates II. 358, 361
*Wax-Tapers* thrown out at Window, in Token of Excommunication II. 252
*Weingarten*, Abbey of Benedictins in *Swabia* (*John Essendorp*, Abbot of) II. 411
The Foundation of that Abbey *ib.*
*Wenceslaus* (King of *Bohemia*) how he received his Deposition from the Imperial Throne I. 3
He is accused of fomenting the Misunderstanding between the *Germans* and *Bohemians* of *Prague* for his own Advantage 30
What he is reported to have said upon that Occasion *ib.*
He makes his Master Cook, Rector of the University of *Prague ib.*
He embraces the Neutrality during the Schism 330
Whether he favours the *Hussites* 632 to 635
He retires from *Prague* II. 60
He returns thither *ib.*
He grants Churches to the *Hussites* 67
*Werner* (*Count de Konigstein*) he sends to the Council II. 391
*Wickliff* (*John*) his Books are brought to *Bohemia* I. 25
They proceed in the Council to the Condemnation of his Articles 198
Debate upon it *ib.*
History of *Wickliff* and *Wickliffism* 210 to 216
He is appointed to treat at *Bruges* of the Pope's Reservations, with regard to *England* 211
The Use he makes of this Journey *ib.*
He calls the Pope insolent Priest, Robber and Antichrist *ib.*
He is against sending Money from *England* to *Rome* 212
He translates the Bible, and only admits those Books which are receiv'd by the Protestants *ib.*
Whether he retracted 213
His chief Advocates and Adherents *ib.*
His Death 214
Forty-five of his Articles read in the eighth Session I. 217 to 231
They are all condemn'd *ib.*
The Council orders his Bones to be dug up *ib.*
Several of his Articles read in the 15th Session 414 to 420
Reflections upon those Articles 419
They are condemn'd 420
*Wildeford* (*William*) an *English* Monk, confutes *Wickliff* I. 219, 232
*William* (*de Monte Laudano*, a School-Divine) opposes the with-holding the Cup from the Laity I. 270
*Wilsenach* (a City of *Brandebourg*) pretended Miracles wrought by the Blood of Jesus Christ in that City I. 28
*Winchester*. See *Beaufort*.
*Windeck*, *Sigismond*'s Privy-Counsellor, his Account of that Emperor's Election I. 3. See *the Preface* xvi

His Hiſtory of *Sigiſmond*'s Life II. 14 to 18
*Wine.* See *Accidents*, *Waſer.*
*Wintzlow* (*Peter de*) Divinity Profeſſor, repents of having perſecuted *John Hus* and embraces *Huſſitiſm* II. 59
*Wirtzbourg* (*John de Brun*, Biſhop of) reconciles the *Teutonick* Knights with the *Poles* I. 248
His Retinue at the Council II. 407
He makes War with his Subjects *ib.*
*Withold* (*Alexander*) Great Duke of *Lithuania*, writes to all Chriſtendom againſt the Knights of the *Teutonick* Order I. 247
He addreſſes the Council for the ſame Cauſe 248
He converts the *Samogitians* II. 274
He obtains Privileges from the Popes upon that Account *ib.*
*Witneſſes.* See *John* XXIII.
*Woljenbuttle*, MSS. of that Library. *Pref.* xix. I. 160
*Wolgaſt* (*Waſla*, Duke of) his Arrival and Retinue at *Conſtance* II. 414
*Works* (Merit of). See *Merit.*
*Worms* (*John de Fleckenſtein* Biſhop of) his Retinue at the Council II. 408

X

*XAINTES* (*Geffrey de Peraſt*, Biſhop of) his Retinue at the Council II. 409

Z

*ZABARELLA* (*Francis*) Cardinal, ſent by *John* XXIII. to *Sigiſmond* I. 7
His Exhortation to the Council at the third Seſſion 148
In the fourth Seſſion he ſuppreſſes theſe Words, *Reformation of the Church in its Head and Members* 158
He is reproach'd for it 160
Commiſſioners are appointed to have a Conference with him about it 163
He is nominated Commiſſioner in the Affair of the *Teutonick* Knights 248
His Declaration to *John Hus* at his publick Hearing 325
His Speech for the Reformation 467
He falls into ſuch a Paſſion in an Aſſembly, that he ſickens II. 125
His Death, his Panegyrick, and his Works 130, 131, 307, 323, 324
He alters his Opinion with relation to the Annates 149
He recommends a Theological Tract of *Gerſon*'s 323, 324
His Treatiſe about the Reformation of the Church *ib.* to 327
He is of Opinion that Prieſts ſhould be allow'd to marry 359
*Zachary* (*John*, D. D.) an Adverſary of *John Hus*, pleads for the Pope's Infallibility from a Paſſage of the Bible corrupted I. 451
He is painted with a *Golden Roſe* in his Hat *ib.*
*Ziegenheim* (*Otho* Count *de*) goes to *Conſtance* for the Archbiſhop of *Triers* and ſucceeds him II. 397
*Ziſca* (*John de Trocznow*) an Abſtract of his Hiſtory and Character I. 509, 510
Reaſons of his Averſion to the Clergy *ib.*
He puts himſelf at the Head of the *Huſſites* II. 58, 240, 243
He extirpates the *Picards* 241
He goes with the *Huſſites* to wait on the King of *Bohemia*, and is well receiv'd 243
*Znoima* (*Staniſlaus*) Divinity-Profeſſor at *Prague*, was firſt a Preceptor to *John Hus*, and then his Enemy I. 349
His Deſcription of the Church 369
*Zutphen* (*Gerard de*) he ſupported the Order of Friers of common Life II. 255
His Encomium and his Works *ib.*

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